

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57653 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- PARSABAZAR District- Patna

1. Raghunath Rai, Son of Baladin Rai R/V- Dachini Daunaul, P.S- Patory, Dist- Samastipur
2. Vikram Birendra Son of Late Rambabu R/V and P.S- Vidyapati Nagar, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59445 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- PARSABAZAR District- Patna

1. Avinash Rai S/o Shivji Rai R/o Village- Mahnar Lahaurichak, P.A.- Mahnar, District- Vaishali
2. Rajgir Rai S/o Parmanand Rai R/o village- Hardaspur, P.S.- Patory, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57653 of 2022)

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem



(In CRIMINAL MISCELLANEOUS No. 59445 of 2022)

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Parsa Bazar P.S. Case No. 102 of 2022, registered for the offences punishable under Sections 467, 468 and 471 of the Indian Penal Code read with under Sections 30 (a) and 41 (I) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per allegation, 4500 litres of liquor has been recovered from a truck bearing Registration No. BR01GA-4421.

The learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. He further submits that petitioners are not named in the FIR. They are not apprehended on spot. Nothing has been recovered from their conscious possession. He further submits that similarly situated co-accused person,



namely, Vikash Ram, has been enlarged on bail by this Hon'ble Court vide order dated 11.11.2022, passed in Cr. Misc. No. 56720 of 2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have not moved earlier either for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners, namely, Raghunath Rai, Vikram Birendra, Avinash Rai and Rajgir Rai have one criminal antecedent.

The petitioners have been languishing in jail since 05.08.2022.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna, in connection with Parsa Bazar P.S Case No. 102 of 2022 on the following conditions:



(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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