

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59963 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- KARAKAT District- Rohtas

1. Krishna Dom Son of Late Nakhlal Dom @ Mukhalal Dom Resident of village- Karma, P.S- Karakat, District- Rohtas at Sasaram
2. Besh Lal Dom Son of Wakil Dom Resident of village- Karma, P.S- Karakat, District- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Karakat

P.S. Case No. 83 of 2022, registered for the offences

punishable under Section 30(a) of the Bihar Prohibition and

Excise Act, 2016.

As per allegation, 55 litres of country made liquor

was recovered from two gallons village Karma in Dom Toli.

The learned counsel for the petitioners submits that

the petitioners are innocent and have falsely been implicated

in this case. He further submits that nothing has been



recovered from the conscious possession of the petitioners. He also submits that search and seizure has not been made in accordance with procedure prescribed under Section 100 Cr.P.C.

The petitioners have been languishing in jail since 23.05.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioners 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 Ld. Exclusive Special Judge, Excise Court No. 1, Rohtas at Sasaram in connection with Karakat P.S. Case No. 83 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 any criminal antecedents, 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 antecedents 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)

ashishkr/-

U		T	
---	--	---	--

