

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59002 of 2022

Arising Out of PS. Case No.-698 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Manoj Kumar Son of Late Ram Udgar Mahto Resident Of Mohalla- Indrapuri, Keshri Nagar, Road No. 9, P.S.- Patliputra, District- Patna
 2. Anish Kumar Son of Amarjeet Ray Resident of Mohalla- Indrapuri, Shiv Mandir, Road No. 6, P.S.- Patliputra, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Gupta

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-11-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioners seek bail in connection with Special
Case No. 5007 of 2022, arising out Excise Patna P.S. Case
No. 698 of 2022 registered for the offences punishable
under Section 30(a) and 56 (b) of the Bihar Prohibition and
Excise Act.

As per allegation, 129.960 litres of foreign liquor
has been recovered from a Baleno Car bearing Registration
No. BR-06BK-8562.

The learned counsel for the petitioners submits that



the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioner, Manoj Kumar is driver of the vehicle and not aware of the content of material loaded in it and the petitioner, Anish Kumar is also just a co-passenger and also not aware of the alleged material kept in the vehicle.

The petitioners have been languishing in jail since 22.08.2022.

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

It has further been stated in paragraph no. 3 of the petition that the petitioner no. 2 has been made accused in one more case, Rajeev Nagar P.S. Case No. 529 of 2021 in which he is on bail whereas petitioner no.1 has no criminal antecedent.

However, the Ld. APP for the State opposes the prayer of the petitioner 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. Special Judge Excise, Patna in connection with Special Case No. 5007 of 2022, arising out Excise Patna P.S. Case No. 698 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 him 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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