

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59004 of 2022

Arising Out of PS. Case No.-404 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Fateh Ali Sah S/o Mohd. Kalam R/V- Badi Karpa, P.S.- Karpa, Distt- Jahanabad.
 2. Rohit Kumar S/o Late Bijli Singh R/o- Boring Canal Road, Raijee Gali, P.S.- Budha Colony, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

The petitioners seek bail in connection with Patna
Excise P.S. Case No. 404 of 2022, registered for the
offences punishable under Section 30(a), 32(3) and 56(b) of
the Bihar Excise (Amendment) Act, 2018 and 2022.

As per allegation, 146.880 litres of foreign liquor
has been recovered from the car of the petitioner near J.P.
Setu, Patna.

The learned counsel for the petitioners submits that
the petitioners are innocent and have falsely been implicated



in this case. He further submits that petitioner no.2 is driver and not aware of the content of material loaded in it and petitioner no.1 is just a co-passenger and he was also not aware of the alleged material kept in the car.

The petitioners have been languishing in jail since 19.06.2022.

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 in paragraph no. 3 of the petition that the petitioners have no criminal antecedents.

However, the learned APP for the State vehemently 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 Patna Excise P.S. Case No.



404 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)

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