

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60779 of 2022

Arising Out of PS. Case No.-497 Year-2022 Thana- GAYA MUFASIL District- Gaya

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Pramod Kumar S/O Baldev Prasad Yadav @ Baldev Yadav R/O Village-
Charka Pathar, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 62422 of 2022

Arising Out of PS. Case No.-497 Year-2022 Thana- GAYA MUFASIL District- Gaya

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Pramod Kumar S/O Baleshwar Prasad Yadav Resident Of Village- Raja
Bigha, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 60779 of 2022)
For the Petitioner/s : Mr. Sudhir Kumar Sinha
For the Opposite Party/s : Mr. Renu Kumari
(In CRIMINAL MISCELLANEOUS No. 62422 of 2022)
For the Petitioner/s : Mr. Ajay Kumar Sinha
For the Opposite Party/s : Mr. Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-12-2022 Heard Ld. counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in connection with

Mufassil P.S. Case No. 497 of 2022, registered for the

offences punishable under Sections 30(a) of Bihar Prohibition

and Excise Amendment Act 2018.



The prosecution story as emerges form the FIR is that total 40 liters country-made contraband was recovered from the dicky of motorcycle and a bag.

Ld. counsel for the petitioners submit 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.

The petitioners have been languishing in jail since 18.07.2022.

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 that the petitioners have no criminal antecedents.

However, the Ld. 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 Excise Court No.-1, Gaya in connection with Mufassil P.S. Case No. 497 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 petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioners are 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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