

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58601 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Deepak Kumar Son of Dinesh Rai R/o Village- Bisunpura, Ward No.2, P.S.-
Bathnaha, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 64394 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Ajay Kumar Rai S/o Nageshwar Rai R/V- Mathurapur, Kamtaul, Ward No.-
13, P.S.- Tajpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 58601 of 2022)

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Shantanu Kumar

(In CRIMINAL MISCELLANEOUS No. 64394 of 2022)

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Ms. Pushpa Sinha

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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 Excise

Case No. 236 of 2022, registered for the offences

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



Excise Act, 2018.

As per allegation, a total of 1067.040 litres of liquor has been recovered from two vehicles bearing Registration Nos. BR06BM-9416 and BR09GA-0221.

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 the petitioners, Ajay Kumar is driver and Deepak Kumar was just a co-passenger and they were not aware of the content of material loaded in the alleged vehicles.

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 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 antecedent.

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. Exclusive Excise Judge-II, Begusarai, in connection with Excise Case No. 236 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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