

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60765 of 2022

Arising Out of PS. Case No.-272 Year-2022 Thana- NAVINAGAR District- Aurangabad

1. Rakesh Kumar Son of Kavilash Ram R/O Village- Kushumhara, P.S- Husainabad, District- Palamu (Jharkhand)
2. Sudhir Kumar Son of Ram Pravesh Kumar R/O Village- Kushumhara, P.S- Husainabad, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari

For the Opposite Party/s : Mr .Pradeep Narain 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

Navinagar P.S. case No. 272 of 2022, registered for the

offences punishable under Section 30(a) of Bihar Prohibition

and Excise (Amendment) Act, 2018.

As per allegation, 23.4 litres of liquor has been

recovered from a motorcycle.

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 recovered



from the conscious possession of the petitioners. He also submits that search and seizure has not been made as per the procedure prescribed under Section 100 Cr. P.C. and the the alleged motorcycle do not belong to the petitioners

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.

The petitioners have been languishing in jail since 31.07.2022.

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. Special Judge Excise -1st, Aurangabad in connection with Navinagar P.S. case No. 272 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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