

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60185 of 2022

Arising Out of PS. Case No.-782 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

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AVNISH KUMAR @ AVINASH KUMAR Son of Vijay Singh Resident of
Dumri Road Ratanpur, P.S- Nagar Ratanpur O.P Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 65427 of 2022

Arising Out of PS. Case No.-782 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

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RAJNIKANT KUMAR @ RAJNIKANT Son of Bipin Kumar Singh @ Bipin
Kr. Singh @ Bipin Singh R/v- Ratanpur, Dumari road ward no. 21, near
Vikash Vidyalay, P.S.- Town, (Ratanpur O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 60185 of 2022)

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Shaheen Begum

(In CRIMINAL MISCELLANEOUS No. 65427 of 2022)

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Md. Matloob Rab

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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

Nagar/Ratanpur P.S. Case No. 782 of 2021, registered for

the offences punishable under Section 120 (B) of the Indian



Penal code and 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per allegation, 843.750 litres of foreign liquor was recovered from an open space.

The learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioner.

The petitioners, namely, Avnish Kumar and Rajnikant Kumar have been languishing in jail since 16.07.2022 and 15.10.2022 respectively.

It is also stated in paragraph no. 2 of the petition that the petitioner no. 2 has moved before this Court for grant of anticipatory bail vide Cr. Misc. No.28530 of 2022.

It has further been stated in paragraph no. 3 of the petition that the petitioner no. 1, namely Avnish Kumar has earlier been made accused in one more case whereas petitioner no. 2, namely, Rajnikant Kumar has earlier been made accused in seven more cases.

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. Concerned Court Below in connection with Nagar/Ratanpur P.S. Case No. 782 of 2021 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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