

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60778 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. GANESH CHAUDHARY Son of Chandradew Chaudhary R/V- Harpurwa Ward 01, P.S- Bajpatti, Dist- Sitamarhi
 2. Chandan Jaishwal Son of Shankar Prasad Jaishwal R/V- Koili P.S- Nanpur, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Abhay Kumar

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 Excise Police Station Case No. 34 of 2022, registered for the offences punishable under Sections 30(a) and 32 (2) of Bihar Prohibition and Excise Act 2016.

The prosecution story as emerges form the FIR is that total 288.00 liters Nepali contraband were recovered from a vehicle.

Ld. 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 petitioner is neither the owner of the vehicle nor the driver of the vehicle.

The petitioners have been languishing in jail since 05.05.2022.

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 petitioner no. 2 has no criminal antecedent and petitioner no. 1 has one criminal antecedent.

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. Special Judge Exclusive Excise Court 2nd Sitamarhi, in connection with



Excise Police Station Case No. 34 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.

Ld. 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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