

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60375 of 2022

Arising Out of PS. Case No.-289 Year-2022 Thana- JAYNAGAR District- Madhubani

1. LOVE KUMAR SAH @ LOVE KUMAR SHAH Son of Rambabu Sah @ Rambabu Shah @ Bahadur Purwe Resident of village - Korhiya Parsahi, P.S.- Jaynagar, District - Madhubani
2. Kush Kumar Purbey Son of Rambabu Sah @ Rambabu Shah @ Bahadur Purwe Resident of village - Korhiya Parsahi, P.S.- Jaynagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha
For the Opposite Party/s : Ms. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 07-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioners seek bail in connection with G.R.
No. 1514 of 2022 arising out of Jaynagar P.S. Case No. 289
of 2022, registered for the offences punishable under
Sections 272, 273, 414 and 34 of the Indian Penal Code
and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per allegation, 135 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.

The petitioners have been languishing in jail since 26.08.2022.

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 earlier been made accused in one more case, namely, Jaynagar P.S. Case No. 101 of 2020.

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. Additional



Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani in connection with G.R. No. 1514 of 2022 arising out of Jaynagar P.S. Case No. 289 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 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)

ashishkr/-

U		T	
---	--	---	--

