

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59779 of 2022

Arising Out of PS. Case No.-172 Year-2022 Thana- KEWATI District- Darbhanga

SHIVAM KUMAR @ SHIVAM WARI S/o Bhagheshwar Wari R/v-
Magalpur, Near to National Cinema, P.S.- Laheriasarai, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59976 of 2022

Arising Out of PS. Case No.-172 Year-2022 Thana- KEWATI District- Darbhanga

BIKAW YADAV S/o Ramatar Yadav R/v- Chotki Dihlahi, Naya Nagar, P.S.-
Bishanpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59779 of 2022)

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Shailendra Kumar

(In CRIMINAL MISCELLANEOUS No. 59976 of 2022)

For the Petitioner/s : Mr.Girish Chandra Jha

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-12-2022 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Keoti
P.S. Case No. 172 of 2022, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2022.



As per allegation, 178.500 liters of liquor has been recovered from a car bearing Registration No. BR07L- 3972.

The Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioners. They also submit that the petitioners are neither driver nor owner of the offending vehicle.

The petitioners have been languishing in jail since 19.06.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved earlier before this Court for grant of either anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioners, namely, Shivam Kumar @ Shivam Wari in Cr. Misc. No. 59789 of 2022 and Bikaw Yadav in Cr. Misc. No. 59976 of 2022, have earlier been made accused in two and one more case each respectively.

However, the learned APP for the State vehemently opposes the prayer of 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. Special Judge, 1st (Excise Act), Darbhanga in connection with Keoti P.S. Case No. 172 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)

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