

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60981 of 2022

Arising Out of PS. Case No.-332 Year-2022 Thana- PAROO District- Muzaffarpur

=====

ABHAY RAI @ ABHAY KUMAR S/o Late Yogi Rai @ Jogi Rai R/o
Village- Sarmastpur, P.S.- Paroo, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 62477 of 2022

Arising Out of PS. Case No.-332 Year-2022 Thana- PAROO District- Muzaffarpur

=====

VIGU RAI @ SIKANDRA RAI @ SIKINDRA RAI S/o Late Samajit Rai R/o
Village- Chintawanpur, P.S.- Paroo, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60981 of 2022)

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Nityanand

(In CRIMINAL MISCELLANEOUS No. 62477 of 2022)

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Ms. Dr. Indihar Kumari

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 21-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Paroo

P.S. Case No. 322 of 2022, registered for the offences

punishable under Sections 420, 467, 468, 471 and 120(B)

of the Indian Penal Code, Sections 30(a), 31, 32, and 41(A)



of the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-B)a, 26 and 35 of the Arms Act.

As per allegation, 2176.740 litres of illicit foreign liquor, some arms and ammunitions were recovered from a four wheeler.

The learned counsel for the petitioners submit 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 and their name has transpired only in the confessional statement of co-accused, namely, Tinku Kumar who is the main accused and who has already been enlarged on bail vide order dated 19.11.2022 passed in Cr. Misc. No. 58285 of 2022 and other co-accused persons namely Suraj Yadav and Vikash Kumar have also already been enlarged on bail vide order dated 02.12.2022 passed in Cr. Misc. No. 61825 of 2022.

The petitioners have been languishing in jail since 08.09.2022 and 13.09.2022 respectively.

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, namely, Abhay Rai and Vigu Rai have earlier been made accused in three and one other cases respectively.

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. Exclusive Special Excise Court No. II, Muzaffarpur in connection with Paroo P.S. Case No. 322 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 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	
---	--	---	--

