

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62535 of 2022

Arising Out of PS. Case No.-383 Year-2022 Thana- MASAUDHI District- Patna

1. SANTU KUMAR @ MANISH KUMAR Son of Nawal Prasad @ Surendra Kumar @ Nawal Kumar Resident of Village - Maharaj Chak, P.S.- Masaurhi, District - Patna.
2. Nawal Prasad @ Nawal Kumar @ Surendra Kumar Son of Shri Jag Narayan Prasad @ Late Ganga Prasad Resident of Village - Maharaj Chak, P.S.- Masaurhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62597 of 2022

Arising Out of PS. Case No.-383 Year-2022 Thana- MASAUDHI District- Patna

PINTU KUMAR @ RANJEET KUMAR Son of Surendra Kumar @ Nawal Kumar @ Nawal Kumar Prasad Resident of Village - Maharaj Chak, P.S.- Masaurhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62535 of 2022)

For the Petitioner/s : Mr. Dipak Kumar



For the Opposite Party/s : Mr. Pronoti Singh
(In CRIMINAL MISCELLANEOUS No. 62597 of 2022)
For the Petitioner/s : Mr. Dipak Kumar
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with
Masaurhi P.S. Case No. 383 of 2022, Spl. Case No. 3786 of
2022, registered for the offences punishable under Section
Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per allegation, 366 litres of foreign liquor was
recovered from a car.

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.
They also submit that the petitioner are neither the driver
nor the owner of the vehicle.

The petitioner have been languishing in jail since



29.08.2022.

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, namely, Santu Kumar and Nawal Prasad in Cr. Misc. No. 62535 of 2022 have earlier been made accused in one more case whereas the petitioner, namely, Pintu Kumar has no criminal antecedents.

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. Special Judge, Excise Patna in connection with Masaurhi P.S. Case No. 383 of 2022, Spl. Case No. 3786 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)

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