

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58126 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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Bhagwat Kumar Son Of Ramjatan Yadav @ Ramyatan Yadav R/O Village-
Chitahi, P.S.- Kaluahi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63030 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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Manish Kumar Ray @ Manish Kumar S/O Biltu Ray @ Viltu Ray R/Av-
Balua Tola Baldiha, P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 58126 of 2022)

For the Petitioner/s : Mr. Bhavesh Kumar Sah

For the Opposite Party/s : Mr. Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 63030 of 2022)

For the Petitioner/s : Mr. Bhavesh Kumar Sah



For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-11-2022 Heard Ld. counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with Excise
P.S. Case No. 129 of 2022 dated 26.07.2022 G.O. No. 608
of 2022, registered for the offences punishable under
Sections 30(a) of Bihar Prohibition and Excise Act.

As per the allegation 144 liters Nepali wine was
recovered from a motorcycle.

Ld. counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in
this case. He also submits that nothing has been recovered
from the conscious possession of the petitioners. He further
submits that the petitioners are not the owner of the vehicle.
He further submits that petitioner, namely, Manish Kumar, is
named only on the confessional statement of the accused
petitioner.

The petitioner, namely, Bhagwat Kumar has been
languishing in jail since 27.07.2022 whereas Manish Kumar



has been languishing in jail since 30.09.2022.

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, namely, Bhagwat Kumar, has no criminal antecedent and petitioner, namely, Manish Kumar, 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. 2Nd Additional Sessions Judge-cum-Special Judge Excise Act Madhubani in connection with Excise P.S. Case No. 129 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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