

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59955 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- SAKRI District- Madhubani

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Bikki Mahto S/o Laddu Mahto R/V- Rajak Babu Tola, Pandaul, P.S.- Pandaul,
Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63709 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- SAKRI District- Madhubani

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Chandan Kumar Safi Son of Sanjay Safi R/v- Pandaul Dhobi Tola, P.S.-
Pandaul, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 59955 of 2022)

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Syed Mojibur Rahman

(In CRIMINAL MISCELLANEOUS No. 63709 of 2022)

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Ms. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with G.R.

No. 933 of 2022 arising out Sakri P.S. Case No. 106 of

2022, registered for the offences punishable under Sections

272, 273 of the Indian Penal Code and Sections 30(a), 41(i)



and 38 of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 5544 litres of foreign liquor has been recovered from a truck.

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 submits similarly situated other co-accused person, namely, Bal Kishore has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 15.09.2022 passed in Cr. Misc. No. 47473 of 2022.

The petitioners have been languishing in jail since 13.09.2022 and 15.09.2022 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 petitioner no. 1 namely, Bikki Mahto has earlier been made accused in one more case whereas



petitioner no. 2 namely Chandan Kumar Safi 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. Additional Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani in connection with G.R. No. 933 of 2022 arising out Sakri P.S. Case No. 106 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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