

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59934 of 2022

Arising Out of PS. Case No.-317 Year-2022 Thana- MURLIGANJ District- Madhepura

Arun Kumar S/o Sri Manoj Mandal Resident of Village- Teleghi, Tola
Jairampur, Ward No.- 08, P.S.- Thana Bihpur, District- Bhagalpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63591 of 2022

Arising Out of PS. Case No.-317 Year-2022 Thana- MURLIGANJ District- Madhepura

sanjeev kumar son of Bhikhari Mandal Resident of Village - Korachakka,
P.S.- Bihpur, District - Bhagalpur (Navagachhiya) (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59934 of 2022)

For the Petitioner/s : Mr. Anant Kumar 1

For the Opposite Party/s : Mr. Gauri Shankar Gupta

(In CRIMINAL MISCELLANEOUS No. 63591 of 2022)

For the Petitioner/s : Mr. Anant Kumar 1

For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

for the State.

The petitioners seek bail in connection with

Murliganj P.S. 317 of 2022, registered for the offences

punishable under Section 30(a)/ 32(i)(ii)/36/41 of Bihar

Excise Prohibition Act, 2018.



As per allegation, 267.750 liters of foreign liquor has been recovered from Scorpio car bearing registration No. MH02AL- 3272.

The Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from their conscious possession and they have also not arrested on the spot.

The petitioners have been languishing in jail since 04.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have not moved earlier either for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no.3 of the petitions that the petitioner, Arun Kumar in Cr. Misc No. 59934 of 2022, has no criminal antecedents whereas the petitioner, Sanjeev Kumar in Cr. Misc. No. 63591 of 2022 has been made accused in two more cases.

However, the learned APP for the State vehemently opposes the prayer of the 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. Additional Sessions Judge, Excise Act-I, Madhepura in connection with Murliganj P.S. 317 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)

chandan/-

U		T	
---	--	---	--

