

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65779 of 2022

Arising Out of PS. Case No.-357 Year-2022 Thana- KESARIA District- East Champaran

Raju Kumar @ Raju Sahani S/o Aklu Sahani R/o Village- Chhap, P.S.- Paru,
Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66067 of 2022

Arising Out of PS. Case No.-357 Year-2022 Thana- KESARIA District- East Champaran

Aranav Kumar @ Rahul Kumar S/O Ashok Singh @ Anil Singh @ Anil
Kumar Singh @ Binod Singh Resident- Kamalpura, P.S.- Paru, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66535 of 2022

Arising Out of PS. Case No.-357 Year-2022 Thana- KESARIA District- East Champaran

Saurabh Kumar Son of Late Anil Chaudhary R/V- Khutahi, P.S- Paru, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65779 of 2022)

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Md. Shakir Ahmad

(In CRIMINAL MISCELLANEOUS No. 66067 of 2022)

For the Petitioner/s : Mr. Bandana Singh

For the Opposite Party/s : Mr. Shaheen Begum

(In CRIMINAL MISCELLANEOUS No. 66535 of 2022)

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Md. Shakir Ahmad



CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-12-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioners seek bail in connection with Kesariya P.S. Case No. 357 of 2022, registered for the offences punishable under Section 30(a), 32(i), (ii), 36, 41 of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 811.50 liters of foreign liquor has been recovered from a truck bearing Registration No. WB41E-8454.

Ld. counsel for the petitioners submits that 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.

The petitioners, Arnav Kumar, Raju Kumar and Saurabh Kumar have been languishing in jails since 30.08.2022, 21.07.2022 respectively.

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



It has further been stated in paragraph no.3 of the petition that the petitioner, namely, Raju Kumar and Saurabh Kumar has no criminal antecedents whereas the petitioner, Arnav Kumar has earlier been made accused in one more case.

However, the Ld. APP for the State opposes the prayer 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 Court No.2, East Champaran, Motihari in connection with Kesariya P.S. Case No. 357 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)

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