

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64446 of 2022

Arising Out of PS. Case No.-300 Year-2022 Thana- KHAJEKALA District- Patna

Sagar Kumar S/o Premlal Ravidas @ Bindeshwari Prasad R/o Pachhmi darwaja, behind Oriental College, Ghasiyari Gali, Renter in the house of Ashok Paswan, P.S.- Khajekalan, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65473 of 2022

Arising Out of PS. Case No.-300 Year-2022 Thana- KHAJEKALA District- Patna

Munna Yadav Son of Satish Ray R/o Vill.- Sidhi Ghat, P.S.- Khajekalan, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64446 of 2022)

For the Petitioner/s : Mr. Arvind Kumar Pradhan

For the Opposite Party/s : Mr. Nand Kumar

(In CRIMINAL MISCELLANEOUS No. 65473 of 2022)

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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
Khajekalan P.S. Case No. 300 of 2022, registered for the
offences punishable under Section 414 of the Indian Penal



Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 160 liters of country made liquor has been recovered from a Scooty bearing Registration no. BR01CZ-7336.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submits that nothing has been recovered from the conscious possession of the petitioners.

The petitioners, Sagar Kumar and Munna Yadav have been languishing in jail since 27.09.2022 and 28.09.2022 respectively.

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

It has further been stated in paragraph no. 3 of the petition that the petitioner, Munna Yadav was earlier made accused in four more cases whereas the petitioner, Sagar Kumar has no criminal antecedents.



However, the Ld. APP for the State vehemently 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, Patna City in connection with Khajekalan P.S. Case No. 300 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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