

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64003 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- AGRER District- Rohtas

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Rajesh Kumar @ Rajesh Paswan S/O Brijbhar Ram @ Brijbhar Paswan
Resident of village- Garura, P.S.- Agrer, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 64228 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- AGRER District- Rohtas

- =====
1. Sonu Kumar S/o Late Rampyare Singh R/o Village- Levra, P.S.- Nokha,
Distt- Rohtas.
 2. Premanand Singh S/o Janardan Singh R/o Village- Levra, P.S.- Nokha, Distt-
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 67805 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- AGRER District- Rohtas

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Lalan Musahar S/O Late Jamindar Musahar Resident of village- Shumbha,
P.S.- Agrer, District- Rohtas.



... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 64003 of 2022)

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

(In CRIMINAL MISCELLANEOUS No. 64228 of 2022)

For the Petitioner/s : Mr. Krishna Murari

For the Opposite Party/s : Mr. Lalan Kumar

(In CRIMINAL MISCELLANEOUS No. 67805 of 2022)

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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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 Agrer
P.S. Case No. 42 of 2022, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per allegation, a total of 40 liters of country
made liquor has been recovered from accused persons.

Ld. counsel for the petitioners submits 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.

The petitioners, Rajesh Kumar, Sonu Kumar and Premanand Singh and Lalan Musahar have been languishing in jail since 17.08.2022, 10.07.2022 and 20.07.2022 respectively.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved earlier before this Court 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, Lalan Musahar was earlier been made accused in one more case whereas petitioners, namely, Rajesh Kumar, Sonu Kumar and Premanand Singh have no criminal antecedents.

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. Exclusive Special Judge Excise, Rohtas at Sasaram in connection with Agrer P.S. Case No. 42 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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