

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63595 of 2022

Arising Out of PS. Case No.-1066 Year-2022 Thana- PHULWARISHARIF District- Patna

1. Sonu Singh S/O Suresh Singh R/O Village- Panapur Turki, P.S- Panapur, District- Chhapra at Saran
2. Nitya Prakash Singh S/O Amar Nath Singh R/O Village- Panapur Turki, P.S- Panapur, District- Chhapra at Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64775 of 2022

Arising Out of PS. Case No.-1066 Year-2022 Thana- PHULWARISHARIF District- Patna

Banty Verma Son of Umesh Verma @ Umesh Prasad R/V- Tiltakathi Tand,
P.S- Ratu, Dist- Ranchi, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63595 of 2022)

For the Petitioner/s : Mr. Binay Kumar Singh

For the Opposite Party/s : Mr. Manoj Kumar

(In CRIMINAL MISCELLANEOUS No. 64775 of 2022)

For the Petitioner/s : Mr. Raghwendra Pratap Singh

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and Ld.

APP for the State.

The petitioners seek bail in connection with Special
Case No. 5347 arising out of Phulwarisharif P.S. Case No.
1066 of 2022 , registered for the offences punishable under



Sections 30(a), 32(i) (ii) and 41 (I) of the Bihar Prohibition and Excise Act.

As per allegation, 359.25 litres of foreign made liquor was recovered from a Vehicle.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner.

The petitioners have been languishing in jail since 02.09.2022.

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 that the petitioners have no criminal antecedent.

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. Spl. Judge Excise, Patna in connection with Special Case No. 5347 arising out of Phulwarisharif P.S. Case No. 1066 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 any criminal antecedents, 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 antecedents 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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