

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58114 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- SAMASTIPUR District- Samastipur

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PREMNATH SAH SON OF BHOLA SAH R/O VILLAGE- MADHOPUR,
MARKAN ROAD, P.S.- MUSEHARI, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 65358 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- SAMASTIPUR District- Samastipur

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INDRADEV KUMAR @ INDAL @ INDRADEV KUMAR SINGH Son of
Late Brij Mohan Singh Resident of Village - Ladoura Fulbariyatola, P.S.-
Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 58114 of 2022)

For the Petitioner/s : Mr. Ravi Nandan

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

(In CRIMINAL MISCELLANEOUS No. 65358 of 2022)

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioners seek bail in connection with



Samastipur (Town) P.S. Case No. 21 of 2022, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per allegation, 2628.360 litres of liquor was recovered from the Container bearing Reg. No. UP-16CT-9515.

The learned counsel for the petitioners submit 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. They also submit that petitioners have no concern with the seized liquor and they are not involved in any trading of liquor.

The petitioners, namely, Premnath Sah and Indradev Kumar have been languishing in jail since 01.08.2022 and 19.06.2022 respectively.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved for grant of anticipatory bail or regular bail earlier in this matter before



this Hon'ble Court.

It has further been stated in paragraph no. 3 of the petition that the petitioner, namely, Indradev Kumar accused in ten other 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. concerned Court Below in connection with Samastipur (Town) P.S. Case No. 21 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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