

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66153 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- BAUNSI District- Banka

1. Prashant Kumar Son of Late Bijay Mandal R/v- Kanjhiya, P.S.- Madhusudanpur, District- Bhagalpur
2. Pakli Yadav Son of Khajo Yadav R/v- Bhimkitta, P.S.- Madhusudanpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Special

Excise No. 792 of 2022 (arising out of Baunshi P.S. Case

No. 205 of 2022) , registered for the offences punishable

under Section 30(a) of the Bihar Prohibition and Excise Act,

2018.

As per allegation, 186.75 litres of foreign liquor

was recovered from a Tata Indica Car bearing Registration

No. JH 15D 8559.

The learned counsel for the petitioners submits that



the petitioner are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that search and seizure has not been made as per the procedure under Section 100 Cr.P.C.

The petitioners have been languishing in jail since 25.08.2022.

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

It has further been stated in paragraph no. 3 of the petition that the petitioner no. 1 has earlier been made accused in one more case whereas petitioner no. 2 has no criminal antecedent.

However, the learned 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. Addl. District and Sessions Judge-II, Banka in connection with Special Excise No. 792 of 2022 (arising out of Baunshi P.S. Case No. 205 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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