

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63859 of 2022

Arising Out of PS. Case No.-338 Year-2022 Thana- BEUR District- Patna

Niraj Kumar Chaubey @ Niraj Kumar S/O Late Bhagwan Chaubey Resident
Of Village- Jhakhari, P.S.- Amnaur, District- Saran At Present Renter In
Harishchandra Nagar Gali No- 3/1, P.S.- Beur District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65029 of 2022

Arising Out of PS. Case No.-338 Year-2022 Thana- BEUR District- Patna

Dharmendra Chaudhary @ Dharmendra Kumar Son Of Suresh Ray Resident
Of - Sultanpur Gosai Tola, P.S.- Danapur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63859 of 2022)

For the Petitioner/s : Mr. Ram Jiban Pd. Singh

For the Opposite Party/s : Mr. Upendra Kumar

(In CRIMINAL MISCELLANEOUS No. 65029 of 2022)

For the Petitioner/s : Mr. Ayush Kumar

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

APP for the State.

The petitioners seek bail in connection with Special

Case No. 4085 of 2022 arising out of Beur P.S. Case No.

338 of 2022, registered for the offences punishable under



Sections 30(a) and 37 of the Bihar Prohibition and Excise Act.

The prosecution story as emerges form the FIR is that about 100 liters of liquor was recovered.

Ld. counsel for the petitioners submit 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 16.07.2022.

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 petitioner, namely, Niraj Kumar Chaubey has no criminal antecedents and the petitioner, namely, Dharmendra Chaudhary @ Dharmendra Kumar has two 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. Special Judge Excise, Patna, in connection with Special Case No. 4085 of 2022 arising out of Beur P.S. Case No. 338 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.

Ld. 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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