

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65581 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- NIRMALI District- Supaul

Sanjay Yadav S/O Harinarayan Yadav R/O Village- Kyotipatty, P.S- Supaul
Nadi Thana, District- Supaul, State- Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66904 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- NIRMALI District- Supaul

Prakash Yadav S/O Vidyanand Yadav R/O Village- Kyotapatti Rasuar, Ward
No-2, P.S- Supaul Nadi, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65581 of 2022)

For the Petitioner/s : Mr. Kuldeep Kumar

For the Opposite Party/s : Mr. Asha Devi

(In CRIMINAL MISCELLANEOUS No. 66904 of 2022)

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. Manoj Kumar

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 Nirmali

P.S Case No. 146 of 2021, registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition and

Excise Act, 2016.



The prosecution story as emerges form the FIR is that about 1464 liters foreign liquor were recovered from a truck bearing Reg. No. UP-17T-7727.

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 petitioners. He also submits that petitioners have neither the owner nor the driver of the said truck. He further submits that search and seizure has not been made as per the procedure prescribed under Section 100 Cr. PC.

The petitioners have been languishing in jail since 15.09.2022 and 14.07.2022, respectively.

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 in paragraph no. 3 that the petitioner, nemely, Sanjay Yadav has no criminal antecedents and petitioner, nemely, Prakash Yadav 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. Extra Judge Excise Copurt No.-2, Supaul in connection with Nirmali P.S Case No. 146 of 2021, 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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