

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60353 of 2022

Arising Out of PS. Case No.-435 Year-2022 Thana- BEUR District- Patna

Neeraj Kumar Son Of Surendra Prasad @ Surendra Ram R/O Mahavir
Colony, 70 Feet Bpl Road, P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64039 of 2022

Arising Out of PS. Case No.-435 Year-2022 Thana- BEUR District- Patna

1. Deepak Ray S/O Jitan Ray Resident Of Village- Sipaul, P.S.- Shahpur Patori,
District- Samastipur, A/P Vishunpur Pakri, P.S.- Beur District- Patna.
2. Chhote Ray S/O Late Parmanand Ray Resident Of Village- Vishunpur Pakri,
P.S.- Beur, District- Patna.
3. Satish Sharma S/O Kishori Mistri Resident Of Village- Vishunpur Pakri,
P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65191 of 2022

Arising Out of PS. Case No.-435 Year-2022 Thana- BEUR District- Patna

Munna Kumar @ Munna Ray S/O Late Dwarika Ray Resident Of Village-
Sipara, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60353 of 2022)

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Shailendra Kumar

(In CRIMINAL MISCELLANEOUS No. 64039 of 2022)

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh



(In CRIMINAL MISCELLANEOUS No. 65191 of 2022)

For the Petitioner/s : Mr. Samrendra Kumar Jha

For the Opposite Party/s : Ms. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioners and Ld.
APP for the State.

The petitioners seek bail in connection with Special Case No. 5204 of 2022 (arising out of Beur P.S. Case No. 435 of 2022), registered for the offences punishable under Sections 30(a) and 37 of the Bihar Prohibition and Excise Act.

As per allegation, 100 litres of country made liquor was recovered from a Jar.

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 further submit that petitioners have no concerned with the seized liquor and plastic glasses.

The petitioner, namely, Neeraj Kumar has been languishing in jail since 23.08.2022 and petitioners, namely, Deepak Ray and Munna Kumar @ Munna Ray have been



languishing in jail since 28.08.2022.

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. Special Judge Excise, Patna in connection with Special Case No. 5204 of 2022 (arising out of Beur P.S. Case No. 435 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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