

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65831 of 2022

Arising Out of PS. Case No.-1066 Year-2022 Thana- PHULWARISHARIF District- Patna

SHRAWAN GOPE S/O Krishna Gope R/O Feta, P.S- Ratu Road, District-
Ranchi (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66057 of 2022

Arising Out of PS. Case No.-1066 Year-2022 Thana- PHULWARISHARIF District- Patna

RAJAN KUMAR S/O DHUKHAN SHAH @ DHUKHAN SAO Resident of
village- Airport Road, Haratand, P.S.- Airport, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65831 of 2022)

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. Manoj Kumar

(In CRIMINAL MISCELLANEOUS No. 66057 of 2022)

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. Surendra Kumar

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

Case No. 5347 of 2022 arising out of Phulwarisarif P.S Case

No. 1066 of 2022, registered for the offences punishable

under Section 30(a), 32(i)(ii) and 41(i) of the Section 30(a)



of Bihar Prohibition and Excise Act, 2016.

As per allegation, about 303 litres of foreign liquor was recovered from a Tata 407.

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

The petitioners have been languishing in jail since 02.09.2022.

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 in paragraph no. 3 of the petition that the petitioner, namely, Rajan Kumar has earlier been made accused in one other case.

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. Special Judge, Excise, Patna in connection with Special Case No. 5347 of 2022 arising out of Phulwarisarif P.S Case No. 1066 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 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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