

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66369 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- LAXMIPUR District- Jamui

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Vijay Sah @ Vijay Shah S/O Paro Sah Resident of village- Beriyawan
Nowdiha, P.S.- Laxmipur, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71926 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- LAXMIPUR District- Jamui

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Niranjan Sah @ Dholi S/O Krishna Sah @ Krishn Sah Resident of village-
Tetaria, P.S.- Laxmipur, District- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 66369 of 2022)

For the Petitioner/s : Mr. Akash Raj

For the Opposite Party/s : Mr. Surendra Kumar

(In CRIMINAL MISCELLANEOUS No. 71926 of 2022)

For the Petitioner/s : Mr. Amit Narayan

For the Opposite Party/s : Mr. Mohammed Arif

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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 Laxmipur P.S. Case No. 102 of 2021, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2018.

As per allegation, 100 litres of country made was recovered from a three plastic jerkin and aluminum vessel.

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, namely, Vijay Sah and Niranjana Sah have been languishing in jail since 20.09.2022 and 04.01.2022 respectively.

It is also stated in paragraph no. 2 of the petition that the petitioner, namely, Vijay Sah has moved earlier before this Court for grant of anticipatory bail vide Cr.Misc.



No. 19706 of 2022 whereas petitioner, namely, Niranjn Sah has not moved earlier 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 petitioners, namely, Vijay Sah and Niranjn Sah have earlier been made accused in 3 and 5 more cases respectively.

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. Concerned Court Below in connection with Laxmipur P.S. Case No. 102 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 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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