

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66818 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- KALUAHI District- Madhubani

Rakesh Kumar Son of Ramjatan Sah Resident of Village- Basopatti, Purwari
Tola, Ward No.-10, P.S.- Basopatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67881 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- KALUAHI District- Madhubani

Sachin Kumar Son of Santosh Thakur R/V- Basopatti West Tola Pokhari,
Mohalla- Ambedkarnagar, Ward No. 5, P.S- Basopatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66818 of 2022)

For the Petitioner/s : Mr. Bhavesh Kumar Sah

For the Opposite Party/s : Mr. Akbar Ali

(In CRIMINAL MISCELLANEOUS No. 67881 of 2022)

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

for the State.

The petitioners seek bail in connection with Kaluahi

P.S. Case No. 175 of 2022, registered for the offences

punishable under Sections 272, 273 and 34 of the Indian

Penal Code and Section 30(a) of the Bihar Prohibition and



Excise Act.

As per allegation, 450 litres of liquor was recovered from a Pick-up Van bearing Registration No. BR32G5467.

The Ld. counsel for the petitioners submits 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.

The petitioners have been languishing in jail since 07.10.2022.

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 antecedents.

However, the Ld. 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. Concerned Court Below in connection with Kaluahi P.S. Case No. 175 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 Ld. 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 Ld. court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The 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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