

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65956 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- DEO District- Aurangabad

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VINIT KUMAR Son of Mahendra Prasad Gupta R/V- Ketaki, P.S- Deo, Dist-
Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 70386 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- DEO District- Aurangabad

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UJJAWAL KUMAR Son of Suresh Baheliya Resident of Village - Ketaki,
P.S.- Deo, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 65956 of 2022)

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Nitya Nand Tiwary

(In CRIMINAL MISCELLANEOUS No. 70386 of 2022)

For the Petitioner/s : Mr. Birendra Kumar Singh

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

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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 Deo
P.S. Case No. 175 of 2022, registered for the offences
punishable under Section 30(a) of Bihar Prohibition and
Excise (Amendment) Act, 2018.



As per allegation, about 96 litres of country made liquor was recovered from a tempu.

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 petitioner. They also submit that the petitioners are neither the driver nor the owner of the vehicle.

The petitioners have been languishing in jail since 30.06.2022.

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 that the petitioners have no criminal antecedent.

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 1st, Aurangabad in connection with Deo 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 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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