

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71980 of 2022

Arising Out of PS. Case No.-1010 Year-2022 Thana- KHAJANCHI HAT District- Purnia

RAHUL KUMAR JHA Son of Parmanand Jha Resident of Village- Raja
Pakhar, Ward No.-1, P.S.- Barari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4440 of 2023

Arising Out of PS. Case No.-1010 Year-2022 Thana- KHAJANCHI HAT District- Purnia

SAKIB ALAM @ SAKIB Son of Late Muslim R/v- Chikni Garaiya, P.S.-
Araria, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71980 of 2022)

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Upendra Kumar

(In CRIMINAL MISCELLANEOUS No. 4440 of 2023)

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-02-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with K. Hat
(Madhubani) P.S. Case No. 1010 of 2022, registered for the
offences punishable under Sections 272, 273 of the I.P.C
and Sections 30(a), 41 of the Bihar Prohibition and Excise



Act, 2016.

As per allegation 1818.505 liters of foreign-made liquor has been recovered from his house as well as some vehicle parked alongside his house.

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 possession. He also submits that search and seizure has not been made as per the procedure prescribed under Section 100 Cr. P.C.

He further submits that the petitioners have been languishing in jail since 30.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.



Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged 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 Ld. Exclusive Special Excise Judge, Court no.-I, Purnea in connection with K. Hat (Madhubani) P.S. Case No. 1010 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 get hampered 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 antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds 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, Ld. court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeat offence of similar nature after enlargement on bail, their bail-bond will be cancelled by the court below.

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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