

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73738 of 2022

Arising Out of PS. Case No.-716 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

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Ram Pravesh Kumar, Son of Nawal Kishore Bhagat R/V- Baksama, P.S-
Goraul (Kathara O.P) Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 4406 of 2023

Arising Out of PS. Case No.-716 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

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Bablu Kumar @ Balua Son of Rajan Rai @ Rajendra Rai R/v- Majhauri
Mahammadpur Buzurg, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 4609 of 2023

Arising Out of PS. Case No.-716 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

- =====
1. Badal Kumar, S/o Viswanath Sahni @ Shivanth Sahni R/o Village-
Chandrasarai Sahdullahchak, P.S.- Mahua, Distt- Vaishali at Hajipur.
 2. Sunny Kumar S/o Krishan Sahni @ Krishandev Sahni @ Krishdev Sahni
R/o Village- Chandrasarai Sahdullahchak, P.S.- Mahua, Distt- Vaishali at
Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 73738 of 2022)

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Bhanu Pratap Singh

(In CRIMINAL MISCELLANEOUS No. 4406 of 2023)

For the Petitioner/s : Mr. Himanshu Ranjan

For the Opposite Party/s : Mr. Arun Kumar

(In CRIMINAL MISCELLANEOUS No. 4609 of 2023)



For the Petitioner/s : Mr. Niranjan Parihar
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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 Hajipur
Sadar P. S. Case No. 716 of 2022, registered for the
offences punishable under Sections 468, 467, 420 and 414
of the Indian Penal Code and Sections 30(a), 32(ii), 36 and
41(i) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, total 3897.72 litres of liquor was
recovered from a truck, bearing Registration No. WB65B-
3991 and a Bolero vehicle, bearing Registration No. BR06PC-
9856.

Ld. counsel for the petitioners submits 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 petitioners.
They also submit that search and seizure has not been made
as per the procedure as prescribed under Cr.P.C.

He further submits that the petitioners, namely,



Ram Pravesh Kumar, Badal Kumar and Sunny Kumar have been languishing in jail since 09.09.2022 and petitioner, Bablu Kumar @ Balua has been languishing in jail since 15.11.2022.

It has also been stated in paragraph no. 3 of the bail petitions that the petitioner, Ram Pravesh Kumar has no criminal antecedents. The petitioner, Bablu Kumar @ Balua has earlier been made accused in seven other cases. The petitioners, Badal Kumar and Sunny Kumar have been made accused in one case each.

It is also stated in paragraph no. 2 of the bail petitions 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, Court No. 1 – cum – Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Hajipur Sadar P. S. Case No. 716 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 repeats offence of similar nature after enlargement on bail, their bail-bonds 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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