

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73342 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- HULASGANJ District- Jehanabad

SUNDARAM KUMAR @ KUNAL KUMAR Son of Nirbhay Sharma
Resident of Village- Chhotiyan, P.S.- Mahkar, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7128 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- HULASGANJ District- Jehanabad

RAJA DOM Son of Bhola Dom R/V- Serghati, Gola Bazar, Kali Mandir, P.S-
Serghati, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 73342 of 2022)

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Ms. Asha Devi

(In CRIMINAL MISCELLANEOUS No. 7128 of 2023)

For the Petitioner/s : Mr. Jogendra Kumar

For the Opposite Party/s : Mr. Nagendra Prasad

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

Hulasganj P.S. Case No. 222 of 2022, registered for the

offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.



As per allegation, 135.25 litres of foreign made liquor was recovered from a Bus bearing Registration No. BR06PD-8570.

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.

He further submits that the petitioners, namely, Sundaram Kumar and Raja Dom have been languishing in jail since 25.09.2022 and 26.09.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Sundaram Kumar has earlier been made accused in one other case, whereas petitioner, namely, Raja Dom has 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 Excise Judge 1st, Jehanabad in connection with Hulasganj P.S. Case No. 222 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 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 petitioner repeats offence of similar nature after enlargement on bail, his 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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