

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70512 of 2022

Arising Out of PS. Case No.-384 Year-2022 Thana- NARPATGANJ District- Araria

Jitendra Kumar Sah @ Jitendra Sah @ Jitendra Kumar S/o Late Satu Sah @
Santu Sah @ Satto Sah R/v- Imli Ghat, Gulu, P.S.- Town, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 73810 of 2022

Arising Out of PS. Case No.-384 Year-2022 Thana- NARPATGANJ District- Araria

Deepak Kumar Son of Devendra Thakur R/o Village- Kaidrabad Ward No.04,
P.S.- University, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 5079 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- NARPATGANJ District- Araria

Biswajit Sarkar @ Vishwajeet Sarkar @ Basu Da S/o Late Bhajan Sarkar
Resident of village- Sahadarganj (Sahadargachh), Kamla Bagan, P.S.- Vidhan
nagar, District- Darjeeling (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 70512 of 2022)
For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Ms. Asha Kumari
(In CRIMINAL MISCELLANEOUS No. 73810 of 2022)
For the Petitioner/s : Mr. Sanjay Kumar Sharma
For the Opposite Party/s : Mr. Mohammed Arif
(In CRIMINAL MISCELLANEOUS No. 5079 of 2023)
For the Petitioner/s : Mr. Chandra Shekhar Anand
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap



CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Narpatganj P.S. Case No.384 of 2022, registered for the offences punishable under Sections 272, 273, 420 of the Indian Penal Code 30(a), 32 (ii) (iii), 36, 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 170.250 liters of liquor has been recovered from two vehicles.

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, Jitendra Kumar Sah, Deepak Kumar and Biswajit Sarkar have been languishing in jail since 26.08.2022, 26.08.2022 and 02.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, Biswajit Sarkar have earlier



been made accused in five other cases whereas the petitioners Jitendra Kumar Sah and Deepak Kumar 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 in the present case.

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 Judge-Excise Court no.1, Araria in connection with Narpatganj P.S. Case No.384 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 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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