

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75109 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- KORMA District- Sheikhpura

ROHIT KUMAR S/o Karu Ram R/o Village- Murarpur, P.S.- Korma and distt- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 2507 of 2023

Arising Out of PS. Case No.-155 Year-2022 Thana- KORMA District- Sheikhpura

GUHAN RAM SON OF LATE BRAHMDEO RAM R/O VILLAGE- MURARPUR, P.S.- KORMA, DISTRICT- SHEIKHPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 6553 of 2023

Arising Out of PS. Case No.-155 Year-2022 Thana- KORMA District- Sheikhpura

RAJAN RAM @ RAJAN KUMAR S/o Karu Ram R/o Village- Murarpur, P.S.- Korma and Distt- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 75109 of 2022)
For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Opposite Party/s : Mr.Md. Matloob Rab
(In CRIMINAL MISCELLANEOUS No. 2507 of 2023)
For the Petitioner/s : Mr.Bipin Kumar
For the Opposite Party/s : Mr.Nand Kumar
(In CRIMINAL MISCELLANEOUS No. 6553 of 2023)
For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR



ORAL ORDER

2 25-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Excise Case No. 619 of 2022 arising out of Korma P.S. Case No. 155 of 2022, registered for the offences punishable under Sections 30(a)(c)/52 of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 45 litres of country made liquor was recovered from the place of occurrence.

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 Section 100 Cr.P.C.

He further submits that the petitioners, namely, Rohit Kumar, Guhan Ram and Rajan Ram have been languishing in jail since 18.11.2022, 18.11.2021 and 02.01.2023 respectively.



It has also been stated in paragraph no. 3 of the bail petition that the petitioners, namely, Rohit Kumar, Guhan Ram and Rajan Ram have earlier been made accused in six, one and twelve other cases respectively.

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. Concerned Trial Court in connection with Excise Case No. 619 of 2022 arising out of Korma P.S. Case No. 155 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)

uttam/-

U		T	
---	--	---	--

