

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10929 of 2023

Arising Out of PS. Case No.-905 Year-2022 Thana- SARAIYA District- Muzaffarpur

1. Kishan Rai @ Kisun Rai S/O Jhakar Rai Resident of Village- Banker (Bankat), P.S.- Bhagwanpur (Bhagwanpur Hat), District- Siwan.
2. Immamudin S/O Allaudin, Resident of Village- Sosai Nijamat, P.S.- Baniyapur, District- Chapra (Saran).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-05-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Saraiya
P. S. Case No. 905 of 2022, registered for the offences
punishable under Sections 272, 273 and 34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

As per allegation, 267.84 litres of liquor was
recovered from a car bearing Registration No. BR28AA-
8326.

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

He further submits that the petitioners have been languishing in jail since 12.12.2022.

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 Judge Excise Court No. II, Muzaffarpur,
in connection with Saraiya P. S. Case No. 905 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 them
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 any criminal antecedents, 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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