

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1219 of 2023

Arising Out of PS. Case No.-141 Year-2021 Thana- RAJAOLI District- Nawada

NAVLESH RAJWANSHI S/O ARJUN RAJWANSHI Resident of village-
Mohkama (Job),P.S.- Rajouli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11785 of 2023

Arising Out of PS. Case No.-141 Year-2021 Thana- RAJAOLI District- Nawada

KAMLESH YADAV @ GORE YADAV SON OF GANAURI YADAV R/O
VILLAGE- MOHKAMA, P.S.- RAJOULI, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1219 of 2023)

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

(In CRIMINAL MISCELLANEOUS No. 11785 of 2023)

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

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 Rajouli

P.S. Case No. 141 of 2021, registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition and

Excise Act, 2016.



As per allegation, 300 litres of country made liquor was recovered from an open place.

Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits 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, Navlesh Rajwanshi and Kamlesh Yadav @ Gore Yadav have been languishing in jail since 05.09.2022., 29.11.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Kamlesh Yadav @ Gore Yadav has earlier been made accused in four other cases, whereas, petitioner, namely, Navlesh Rajwanshi has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner, namely, Navlesh Rajwanshi has



moved this Court earlier for anticipatory bail vide order no. Cr. Misc. No. 15861 of 2022, whereas, petitioner, namely, Kamlesh Yadav @ Gore Yadav has not moved this Court earlier 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-2, Nawada in connection with Rajouli P.S. Case No. 141 of 2021 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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