

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74419 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- KATHAIYA District- Muzaffarpur

Pawan Kumar @ Pawan, Son of Shiv Narayan, Resident of Village and P.S.-
Khurd, District- Sonipat, State- Haryana

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 12747 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- KATHAIYA District- Muzaffarpur

Anil Sahni, S/o Lal Chand Sahni, R/v- Barka Gaon, P.S.- Karja, District-
Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74419 of 2022)

For the Petitioner/s : Mr. Anshu Dhar Sharma

For the Opposite Party/s : Mr. Md. Matloob Rab

(In CRIMINAL MISCELLANEOUS No. 12747 of 2023)

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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

Kathaiya P.S. Case No.132 of 2022, registered for the

offences punishable under Sections 30(a), 41(i) of the Bihar

Prohibition and Excise Act, 2016.

As per allegation, 177.5 liters of liquor has been



recovered from a Bolero Pick Up van bearing Registration no. BR06GF-1048.

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 the petitioner is neither driver nor owner of the alleged vehicle.

He further submits that the petitioners, Pawan Kumar and Anil Sahni have been languishing in jail since 26.10.2022 and 28.08.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedent.

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 petition 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. Special Judge (Excise) Court No.2, Muzaffarpur, in connection with Kathaiya P.S. Case No.132 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 repeat offence of similar nature after enlargement on bail, their 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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