

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20764 of 2023

Arising Out of PS. Case No.-661 Year-2022 Thana- SURSAND District- Sitamarhi

1. Kanhaiya Kumar Son of Kishor Mahto R/o Village - Chaudhary Tola, Ward No.- 4, P.S.- Bathanaha, District - Sitamarhi.
2. Shiv Shankar Kumar Son of Radhe Bhandari R/o Village - Chaudhary Tola, Ward No.- 5, P.S.- Bathanaha, District - Sitamarhi.

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Krishna Murari, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Sursand P.S. Case No. 661 of 2022, registered for the

offences punishable under Section 414 of the Indian Penal

Code and Section 30(a) of the Bihar Prohibition and Excise

(Amendment) Act, 2018.

As per allegation, from two motorcycles, alleged to

be driven by the petitioners and one other co-accused, total

195 litres of Nepali saufi liquor were recovered.

Learned 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 physical possession of the petitioners. He also submits that the alleged motorcycles do not belong to the petitioners and they have maliciously been roped in the present case.

He further submits that the petitioners have been languishing in jail since 17.12.2022.

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, learned 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 his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) each with



two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Sitamarhi, in connection with Sursand P.S. Case No. 661 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 his 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, learned 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 his 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, learned 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)

Amrendra/-

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