

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21245 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- KESARIA District- East Champaran

1. Chhotu Kumar S/O Jai Kishore Singh Resident of Village- Manguraha Tajpur Baruraj, P.S.- Baruraj, District- Muzaffarpur.
2. Vikash Kumar S/O Sitaram Mishra Resident of Village- Meenapur, P.S.- Baruraj, District- Muzaffarpur.

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra 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

Kesariya P.S. Case No. 23 of 2023, registered for the

offences punishable under Sections 30(a), 32(i)(ii), 36 and

41 of the Bihar Prohibition and Excise (Amendment) Act,

2018.

As per allegation, from a bolero vehicle, total

69.570 litres of Indian Made Foreign Liquor were recovered.

The petitioners was arrested from the spot.

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 possession of the petitioners. He also submits that the petitioners have no concern with alleged vehicle and they have maliciously been roped in the present case.

He further submits that the petitioners have been languishing in jail since 17.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner no.2 has no criminal antecedents, however, petitioner no.1 is also made accused in other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioners has 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 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 No. 2, East Champaran, Motihari, in connection with Kesariya P.S. Case No. 23 of 2023, on the following conditions:

(i) The petitioners will make himself 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 other than the disclosed one, 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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