

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20538 of 2023**

Arising Out of PS. Case No.-40 Year-2022 Thana- BIBHUTIPUR District- Samastipur

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Roshan Kumar@Raushan Kumar Son of Suresh Kumar Mahto Resident of  
Village- Gangouli, P.S.- Bibhutipur, Distt- Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      10-05-2023                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner seeks bail in connection with  
  
Bibhutipur P.S. Case No. 40 of 2022, registered for the  
  
offences punishable under Sections 30(a), 32(ii)(iii), 36 and  
  
41(i)(ii) of the Bihar Prohibition and Excise (Amendment)  
  
Act, 2018.

As per allegation, from the different vehicles, total  
  
2525.400 litres of Indian Made Foreign Liquor were  
  
recovered. It is alleged that the same has been loaded in the  
  
alleged vehicles at the behest of the petitioner and other co-  
  
accused persons.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious physical possession of the petitioner. He also submits that the petitioner was not arrested from the spot and he has maliciously been roped in the present case.

He further submits that the petitioner has been languishing in jail since 21.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner 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 petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special



Excise Judge-I, Samastipur, in connection with Bibhutipur  
P.S. Case No. 40 of 2022, on the following conditions:

(i) The petitioner will make himself available for  
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that  
investigation/trial will not get hampered on account of his  
absence or non-cooperation. He must be available to the  
police or the court whenever his presence is required.

(iii) The petitioner 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 petitioner has any criminal antecedents,  
learned court below shall cancel the bail bonds of the  
petitioner after hearing him and getting satisfied that the  
petitioner has concealed his 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 petitioner.

(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 petitioner 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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