

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24347 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- AMNAUR District- Saran

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1. Kausalya Kuar W/O Late Chatu Ram Resident of Village- Khalsua, (Salkhuam), P.S.- Amnaur, District- Saran at Chapra.
 2. Mithalesh kumar s/o krishna ram Resident of Village- Khalsua, (Salkhuam), P.S.- Amnaur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Amnaur

P.S. Case No. 05 of 2023, registered for the offences

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

and Excise (Amendment) Act, 2018.

As per allegation, from the house of the

petitioners, total 260 litres of country made illicit liquor were

recovered. The petitioners were 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, though, recovery has been made from the joint family house of the petitioners. The petitioners have maliciously been roped in the present case.

He further submits that the petitioners have been languishing in jail since 06.01.2023.

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

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 1st Special Judge Excise Act, Chapra, in connection with Amnaur P.S. Case No. 05 of 2023, 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 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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