

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24870 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- ARER District- Madhubani

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1. Md. Asgar @ Asgar Son of Md. Sakur Resident of village-Jankinagar, P.S.-Basopatti, Dist.-Madhubani
 2. Ram baran mandal Son of Sri Narayan Mandal Resident of village-Jankinagar, P.S.-Basopatti, Dist.-Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, 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 Arer

P.S. Case No. 24 of 2023, registered for the offences

punishable under Section 414/34 of the IPC and Section

30(a) of the Bihar Prohibition and Excise (Amendment) Act,

2018.

As per allegation, from two motorcycles, total 234

litres of illicit liquor were recovered and 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. He also submits that the petitioners are the owner of the alleged motorcycles, hence Section 414 IPC is not made out.

He further submits that the petitioners have been languishing in jail since 18.02.2023.

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 Additional Sessions Judge-II cum Special Judge,
Excise Act, Madhubani, in connection with Arer P.S. Case
No. 24 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,
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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