

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25165 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- JAYNAGAR District- Madhubani

1. Naresh Kumar Ram Son Of Late Jibachh Ram @ Late Jivachh Ram R/O Village- Korahiya Parsahi, Ward No.14, P.S.- Jaynagar, District- Madhubani
2. Deepak Kumar Mahto Son Of Ram Briksh Mahto R/O Village- Korahiya Dih Tol, Ward No.3, P.S.- Jaynagar, District- Madhubani
3. Ranjeet Kumar Mahto @ Ranjit Mahto Son Of Sukhari Mahto R/O Village- Korahiya Dih Tol, P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad
For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 18-05-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with G. R.
No. 405 of 2023 / Jaynagar P. S. Case No. 102 of 2023,
registered for the offences punishable under Sections 272,
273 and 34 of the Indian Penal Code and Sections 30(a)
and 41 of the Bihar Prohibition and Excise Act.

As per allegation, 194 litres of liquor was
recovered from three motor-cycles.

Ld. 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 petitioner. He also submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C.

He further submits that the petitioners have been languishing in jail since 12.03.2023.

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, Ld. 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of



Ld. Additional II cum Special Judge, Excsie Act, Madhubani,
in connection with G. R. No. 405 of 2023 / Jaynagar P. S.
Case No. 102 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 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, Ld.
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 their



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, Ld. court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeats offence of similar nature after enlargement on bail, their bail-bonds 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)

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