

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21420 of 2023**

Arising Out of PS. Case No.-737 Year-2020 Thana- MAHUA District- Vaishali

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Raju Rai S/O Suresh Ray R/O Village- Madhaul, P.S- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 28567 of 2023

Arising Out of PS. Case No.-737 Year-2020 Thana- MAHUA District- Vaishali

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Laxman Singh @ Laxman Kumar S/O Nathu Singh R/O Village- Chand
Sarae, P.S- Mahua, Distt.- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 21420 of 2023)

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Sangeeta Sharma

(In CRIMINAL MISCELLANEOUS No. 28567 of 2023)

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 10-05-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Mahua

P. S. Case No. 737 of 2020, registered for the offences

punishable under Sections 30(a), 32(ii), 34(ii), 38(ii) and

41(i) of the Bihar Prohibition and Excise Act.



As per allegation, 3276.720 litres of liquor was recovered from three vehicles, namely, a truck bearing Registration No. HR-55S-1514, a Bolero bearing Registration No. BR-01PG-5555 and a motor-cycle bearing Registration No. D14CNB-4219.

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 petitioners. 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 no concern with the alleged vehicles.

He further submits that the petitioners, namely, Raju Rai and Laxman Singh @ Laxman Kumar have been languishing in jail since 27.02.2023 and 12.03.2023 respectively.

It has also been stated in paragraph no. 3 of the bail petition that both the petitioners have earlier been made accused in three cases.



It is also stated in paragraph no. 2 of the bail petition that the petitioners have moved this Court earlier for anticipatory bail *vide* Cr. Misc. No. 42230 of 2022 and 39589 of 2021, respectively.

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. Court of Exclusive Special Prohibition and Excise Court 2nd-cum-Additional District and Sessions Judge, Hajipur, Vaishali, in connection with Mahua P. S. Case No. 737 of 2020 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 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 petitioners have criminal antecedents other than the disclosed one, 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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