

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30820 of 2023

Arising Out of PS. Case No.-238 Year-2018 Thana- BALIYA District- Begusarai

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1. Baudhu Kumar @ Bedhu Kumar @ Baidhu Kumar @ Baudhu Kumar Singh @ Bikash Kumar @ Bikash Kr S/O Ganesh Singh R/O Village- Iniyar, P.S- Muffasil (Lakho O.P.), Distt.- Begusarai.
 2. Chhotu Singh @ Chhotan @ Chhotu @ Arun Kumar Singh @ Arun Kumar S/O Late Indradeo Singh @ Indradeo Singh R/O Village- Iniyar, P.S- Muffasil (Lakho O.P.), Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-05-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Ballia
P. S. Case No. 238 of 2018, registered for the offences
punishable under Section 420, 467, 468, 471, 120B and 34
of the Indian Penal Code and Sections 30(a), 32 and 41 of
the Bihar Prohibition and Excise Act.

As per allegation, 4428 litres of liquor was
recovered from three pick-up vans and one container.

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 the alleged vehicles or the liquor do not belong to the petitioners.

He further submits that the petitioners have been languishing in jail since 20.03.2023 and 03.04.2023, respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner no. 1 has earlier been made accused in two more cases whereas petitioner no. 2 has been made accused in four other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have moved this Court earlier for grant of anticipatory bail *vide* Cr. Misc. No. 47687 of 2019.

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. Exclusive Special Judge, Excise-II, Begusarai, in
connection with Ballia P. S. Case No. 238 of 2018 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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