

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51113 of 2022

Arising Out of PS. Case No.-450 Year-2022 Thana- BAGHA District- West Champaran

Kamal Uraon S/O Ganesh Uraon, Resident of village- Gudgudi, P.S.-
Ramnagar (Semra Chutaha), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52001 of 2022

Arising Out of PS. Case No.-450 Year-2022 Thana- BAGHA District- West Champaran

Dinesh Uraon, Son of Chandi Uraon R/V- Gudgudi, P.S- Ramnagar (Semra
Chautaha), Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51113 of 2022)

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Arun Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 52001 of 2022)

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Bagaha
(Bhairoganj) P. S. Case No. 450 of 2022, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.



As per allegation, 36 litres of country-made chuali liquor has been recovered from a vehicle, bearing Registration No. BR22B-3607.

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 prescribed under Section 100 Cr.P.C. He further submits that not a single witness has come forward to support the allegation levelled against the petitioners.

He further submits that the petitioners have been languishing in jail since 22.06.2022.

It has also been stated in paragraph no. 3 of the bail petitions that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petitions 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. Shri Pramod Kumar, Special Judge, Excise, Bahaga, West Champaran, in connection with Bagaha (Bhairoganj) P. S. Case No. 450 of 2022, 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 hamper 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.

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)

skm/-

U			
---	--	--	--

