

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52343 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- LADANIA District- Madhubani

1. Arbind Kumar S/o Binod Sahu R/o village- Pathrahi, P.S.- Ladaniya, District- Madhubani
2. Mithilesh Kumar S/o Vishunath Saha R/o village- Pathrahi, P.S.- Ladaniya, District- Madhubani
3. Arbind Kumar S/o Satya Nr. Ram R/o village- Barail, P.S.- Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53708 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- LADANIA District- Madhubani

Jay Narayan Yadav, S/o Jiwachh Yadav Resident of Village- Kachaari, P.S.- Kachaari, District- Siraha (Nepal)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54933 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- LADANIA District- Madhubani

Devendra Kumar, Son of Shatrughan Mahto Resident of village - Hanuman Nagar, P.S.- Khutauna, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52343 of 2022)

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr. APP

(In CRIMINAL MISCELLANEOUS No. 53708 of 2022)

For the Petitioner/s : Mr.Md. Soban Asghar

For the Opposite Party/s : Mr.Bishweshwar Ram



(In CRIMINAL MISCELLANEOUS No. 54933 of 2022)

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Parmanand Prasad

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
Ladaniya P. S. Case No. 213 of 2022, registered for the
offences punishable under Sections 272, 273 and 34 of the
Indian Penal Code and Section 30 (A) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 180 litres of Nepali 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. They further submit that nothing has been
recovered from the conscious possession of the petitioners.
They also submit that search and seizure has not been made
as per the procedure prescribed under Section 100 Cr.P.C.

They further submit that the petitioners, namely,
Arbind Kumar and Jay Narayan Yadav have been languishing
in jail since 16.07.2022, whereas the petitioner, namely,



Devendra Kumar has been languishing in jail since 18.07.2021.

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. Addl Sessions Judge-II cum Special Judge, Excise Act, Madhubani, in connection with Ladaniya P. S. Case No. 213 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)

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