

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54447 of 2022

Arising Out of PS. Case No.-198 Year-2022 Thana- GURUA District- Gaya

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Vishal Kumar Son Of Nandu Chaudhry Resident of Village- Pachma, P.S.-
Gurua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 54885 of 2022

Arising Out of PS. Case No.-198 Year-2022 Thana- GURUA District- Gaya

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Pankaj Kumar Son Of Naga Bhuiyan @ Naga Rikiyaran Resident Of Village-
Kendua, P.S.- Gurua, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 54447 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Parmanand Prasad

(In CRIMINAL MISCELLANEOUS No. 54885 of 2022)

For the Petitioner/s : Mr. Alka Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-01-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Gurua

P.S. Case No. 198 of 2022, registered for the offences

punishable under Section 30(a) of the Bihar Prohibition and

Excise Act, 2016.



As per allegation, 75 litres of country made liquor was recovered from motorcycles.

Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. They further submits that nothing has been recovered from the conscious possession of the petitioner. They also submit that search and seizure has not been made as per the procedure prescribed under Cr.P.C. They further submit that petitioners are sole bread earner of his family.

He further submits that the petitioners have been languishing in jail since 08.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in one other case.

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. Exclusive Spl. Excise Court No. 2, Gaya in connection with Gurua P.S. Case No. 198 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 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.

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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