

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56193 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- KANHAULI District- Sitamarhi

Rajesh Kumar Son Of Mohan Singh Resident Of Village- Shiv Nagar, Ps-
Riga, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 56254 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- KANHAULI District- Sitamarhi

Sanoj Kumar @ Saroj Kumar S/O Ram Babu Singh R/O Vill - Sangram
Fandah, P.s. - Riga, Distt. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 56193 of 2023)
For the Petitioner/s : Mr. Uday Kumar, Adv.
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP
(In CRIMINAL MISCELLANEOUS No. 56254 of 2023)
For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with

Kanhauli P.S. Case No. 109 of 2023 registered on 01.07.2023

lodged under Section30(a) of the Bihar Prohibition and Excise

Act.

3. As per the prosecution case, recovery of 1548 liter Napali liquor is the subject matter of the present case.

4. Counsel for the petitioner of the Criminal Miscellaneous No. 56193 of 2023 submits that antecedent of the petitioner is clean and he is in custody since 01.07.2023. Counsel submits that petitioner's name figured in this case by virtue of confessional statement of the co-accused.

5. Counsel for petitioner of the Criminal Miscellaneous No. 56254 of 2023 submits that the petitioner is in custody since 01.07.2023 but the antecedent of the petitioner is not clean and there are 4 criminal cases pending against the petitioner, in which he is on bail in all the cases.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner of the Criminal Miscellaneous No. 56193 of 2023 be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Excise Court-Ist, Sitamarhi, in connection with Kanhauli P.S. Case No. 109 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. So far as the petitioner of the Criminal Miscellaneous No. 56254 of 2023 is concerned, his antecedent is not clean, therefore, I am not inclined to grant bail to him. However, liberty is hereby granted to him that he may renew his prayer for bail, after framing of charge.

9. With this observation, the bail application of the

petitioner of Criminal Miscellaneous No. 56193 of 2023 is
hereby allowed, whereas, bail application of the petitioner of
Criminal Miscellaneous No. 56254 of 2023 is hereby rejected.

(Dr. Anshuman, J.)

Ashishsingh/-

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