

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58662 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

Rakesh Kumar @ Rakesh Kumar Singh Son of Late Balmiki Singh Resident
of Village- Rahimapur Pethiya, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75385 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

Mantu Miya @ Md. Mumtaz Alam Son Of Idrish Khan @ Idrids R/O Vill.-
Maile, P.S.- Bidupur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58662 of 2022)

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sucheta Yadav

(In CRIMINAL MISCELLANEOUS No. 75385 of 2022)

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Meena Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 13-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Hajipur
Industrial P.S. Case No. 42 of 2022, registered for the
offences punishable under Sections 30 (a), 32 (i)(ii), 36, 41
(i)(ii) of the Bihar Prohibition and Excise Act, 2016.



As per allegation total 6347.460 liters country-made foreign liquor was recovered from a truck bearing Registration No. JH02Q9060 and Pick up vans bearing Registration No. BR06GA7956, BR06GE6103, BR06GA1714, BR06G8905, BR09H5696.

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 further submits that the petitioners have been languishing in jail since 05.08.2022 and 25.11.2022, respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in three other cases and one other cases, respectively.

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 Special Excise Court No. 1-cum-Additional District and Sessions Judge, Hajipur Vaishali, in connection with Hajipur Industrial P.S. Case No. 42 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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