

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58192 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- JURAWANPUR District- Vaishali

1. PAPPU MAHTO S/o Rupan Mahto R/V- Raghapur West, P.S.- Jurawanpur, Distt- Vaishali.
2. NANDA MAHTO S/O Bhuletan Mahto @ Bhutelan Mahto R/V- Raghapur West, P.S.- Jurawanpur, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58840 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- JURAWANPUR District- Vaishali

MUNESHWAR SINGH SON OF LATE NAGINA SINGH R/O VILLAGE-
RAGHOPUR, P.S.- JURAWANPUR, DISTT.- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65597 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- JURAWANPUR District- Vaishali

BINDA RAM S/O Late Khublal Ram R/O Village- Raghapur West, P.S-
Jurawanpur, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58192 of 2022)

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Arun Kumar

(In CRIMINAL MISCELLANEOUS No. 58840 of 2022)

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Ramesh Chandra

(In CRIMINAL MISCELLANEOUS No. 65597 of 2022)

For the Petitioner/s : Mr. Satya Prakash Sinha



For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

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 Jurawanpur P.S. Case No. 125 of 2022, registered for the offences punishable under Sections 272, 273 of the I.P.C. and 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation total 200 liters country-made liquor was recovered near the shop of Bindu singh.

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 as prescribed under Section 100 Cr. P.C.

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 petitioner, namely, Pappu Mahto has been made accused in one other case and petitioners, namely, Nanda Mahto, Muneshwar Singh and Binda Ram 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. Exclusive Special Excise Court No. II-cum-Additional District and Sessions Judge, Vaishali at Hazipur, in connection with Jurawanpur P.S. Case No. 125 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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