

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57597 of 2022

Arising Out of PS. Case No.-322 Year-2022 Thana- SAKRA District- Muzaffarpur

RAKESH KUMAR Son of Kapleshwar Ram Resident of Village - Balua, P.s.- Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58708 of 2022

Arising Out of PS. Case No.-322 Year-2022 Thana- SAKRA District- Muzaffarpur

DHIRAJ RAI @ DHIRAJ KUMAR ROY Son of Ramvir Rai R/V- Manoharpatti, P.S- Sakra, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57597 of 2022)

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Upendra Kumar

(In CRIMINAL MISCELLANEOUS No. 58708 of 2022)

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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 Sakra
P.S. Case No. 322 of 2022, registered for the offences
punishable under Sections 272, 273, 419, 420, 467, 468,
471 of I.P.C. read with Sections 30 (a) 32 (I) (ii) 36 and 41



of Bihar Prohibition and Excise Act, 2016.

As per allegation total 3681.640 liters liquor was recovered from a truck bearing Registration No. UP17T9017, Sentro Gnx Car bearing Registration No. BR06K4335, Hero Splender Motercycle bearing Registration No. BR06CT1457 and from the house of the petitioner.

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 the petitioners are neither the owner nor the driver nor the *Khalashi* of the alleged all three vehicles. 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 28.06.2022 and 13.08.2022, respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Rakesh Kumar has



made accused in two other cases and petitioner, namely, Dhiraj Rai @ Dhiraj Kumar Roy has 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. Court of Exclusive Special Excise, Court No. 1, Muzaffarpur, in connection with Sakra P.S. Case No. 322 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)

ramesh/-

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