

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58961 of 2022

Arising Out of PS. Case No.-592 Year-2022 Thana- SASARAM NAGAR District- Rohtas

VIJAY BIND Son of Late Kanhaiya Bind Resident of village- Kadirganj, P.S-
Darigaon, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59850 of 2022

Arising Out of PS. Case No.-592 Year-2022 Thana- SASARAM NAGAR District- Rohtas

RAJENDRA KOLE S/O LATE DAHARU KOLE R/o Village- Tarachandi
Colony, P.S.- Sasaram (Darigoan), District- Rohtas, Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58961 of 2022)

For the Petitioner/s : Mr. Babu Nandan Prasad

For the Opposite Party/s : Mr. Dinesh Singh

(In CRIMINAL MISCELLANEOUS No. 59850 of 2022)

For the Petitioner/s : Mr. Deovind Kumar Singh

For the Opposite Party/s : Mr. Amit Kumar Rakesh



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 Sasaram Nagar (Darigaon) P.S. Case No. 592 of 2022, registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation about 140 liters of country-made liquor was recovered from a motorcycle and different plastic bags.

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 are not the owner of the alleged seized motorcycle.

He further submits that the petitioners have been languishing in jail since 17.07.2022 and 19.07.2022,



respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Vijay Bind has no criminal antecedents and petitioner, namely, Rajendra Kole has earlier been made accused in two other cases.

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 Judge, Excise-cum-Additional District and Sessions Judge, Rohtas at Sasaram, in connection with Sasaram Nagar (Darigaon) P.S. Case No. 592 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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