

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61158 of 2022

Arising Out of PS. Case No.-472 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Shambhu Kumar Son of Suresh Shukla R/V- Jalalpur, P.S- Lalganj, Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 62208 of 2022

Arising Out of PS. Case No.-472 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Dilip Rai Son of Late Lal Babu Rai Resident of Village- Sarsiya, P.S.-
Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 61158 of 2022)

For the Petitioner/s : Mr. Anirudh Kumar Sinha

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

(In CRIMINAL MISCELLANEOUS No. 62208 of 2022)

For the Petitioner/s : Mr. Anirudh Kumar Sinha

For the Opposite Party/s : Mr. Rajiv Nayan

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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 Nagar

P.S. Case No. 472 of 2022, registered for the offences

punishable under Section 30(a)/ 32(ii)(iii)/ 41(i) of the Bihar



Prohibition and Excise Act, 2016 Sections 420/ 467/ 471/ 120(B) of the Indian Penal Code.

As per allegation, 720 liters of Indian made foreign liquor has been recovered container vehicle bearing Registration No. BR01GD-7275.

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 have nothing to do with the alleged container or the wine recovered.

He further submits that the petitioners have been languishing in jail since 31.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners, Shambhu Kumar and Dilip Rai have earlier been made accused in two and four cases each, 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 in the



present matter.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this petition 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. Special Judge Excise-I, Aurangabad in connection with Nagar P.S. Case No. 472 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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