

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63110 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

CHOTELAL GOSWAMI Son of Mukul Goswami R/o Goswami Tola,
Balidih, P.S.- Balidih, District - Bokaro (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65365 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

1. SAJID @ MD. SAJID Son of Akhter VILLAGE- MAGAL,
MOHBARIJPUR, P.S. NAGALA, DIST. MEWAT @ MABAT- 122108
(HARYANA)
2. UMAR MOHAMMAD Son of Rajdar Resident of Village- Babanwari, P.S.-
Gulhaira @ Gurera, District- Bharatpur(Rajasthan)
3. ANIL GUDEN @ ANIL GUDEV Son of Ramvilas Guden @ Ram Bilas
Gudev Resident of Sanjay Gram, Police station karubag @ Karanavas, Dist.-
Rajgarh-465674 (Madhya Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63110 of 2022)

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Shailendra Kumar

(In CRIMINAL MISCELLANEOUS No. 65365 of 2022)

For the Petitioner/s : Mr. Mohammad Akhter Hussain

For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-01-2023 Heard Ld. counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in connection with



Industrial Area P.S. Case No. 68 of 2022 registered for the offences punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code and Sections 30 (a), 36, 41(i) of the Bihar Prohibition and Excise Act.

As per allegation about 4248 liters liquor was recovered from vehicles bearing Registration No. PB 02 PV 8298 and Registration No. RJ14GD 6905.

Ld. counsel for the petitioners submit 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 name of the petitioners are only transpired on the supervision report.

He further submits that the petitioner, namely, Chotelal Goswami has been languishing in jail since 26.07.2022 and petitioners, namely, Sajid @ Md. Sajid, Umar Mohammad and Anil Guden have been languishing in jail since 19.05.2022.

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



have one criminal antecedents. The petitioners, namely, Sajid @ Md. Sajid, Umar Mohammad and Anil Guden have one criminal antecedents in which petitioners have already been granted bail by a Bench of this Court vide order dated 16.09.2022 passed in Cr. Misc. No. 39527 of 2022.

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, the 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 the Ld. Exclusive Special Excise Court No. 1-Cum-Additional Sessions Judge, Vaishali at Hazipur, in connection with Industrial Area P.S. Case No. 68 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 them 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 any criminal antecedents, the learned court below shall cancel the bail bond 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, the learned court below shall cancel the bail bond 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/-

U		T	
---	--	---	--

