

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59987 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- GADHPURA District- Begusarai

Rahul Rai @ Rahul Kumar @ Rahul Kumar Rai S/o Ram Badan Ray @ Bholi Ray R/V- Shasan, P.S.- Hasanpur, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60164 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- GADHPURA District- Begusarai

Chandan Kumar @ Chandan Rai Son of Rambadan Ray @ Bholi Ray Resident of village - Shasan, P.S.- Hasanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71523 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- GADHPURA District- Begusarai

Nitish Kumar Son Of Ashok Yadav R/o Vill.- Gadhpura, P.S.- Gadhpura, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59987 of 2022)

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Ms. Meena Singh

(In CRIMINAL MISCELLANEOUS No. 60164 of 2022)

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Ms. Meena Singh

(In CRIMINAL MISCELLANEOUS No. 71523 of 2022)

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Ms. Shaheen Begum

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 Gadhpura P.S. Case No. 67 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 1877.76 liters of liquor has been recovered from a truck bearing Registration No. CG04J-8247.

Ld. counsel for the petitioners submits that the petitioner 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 drive nor owner of the vehicle. He also submits that provisions of Section 100 of the Cr. P.C. has not been complied while making the search and seizure. He also submits that the allegation against the petitioners is false and fabricated.

He further submits that the petitioners, Rahul Rai, Chandan Kumar and Nitish Kumar have been languishing in



jail since 23.09.2022, 13.09.2022 and 08.11.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners, Rahul Rai, Chandan Kumar and Nitish Kumar have earlier been made accused in three, cases each, respectively.

It is also stated in paragraph no. 2 of the bail petition that the petitioners, Rahul Rai, Chandan Kumar and Nitish Kumar have moved this Court earlier for anticipatory bail vide Cr. Misc No.46754 of 2022, Cr. Misc No. 47536 of 2022 and Cr. Misc No. 49834 of 2022, respectively.

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. Exclusive Excise Judge, Begusarai in connection with Gadhpura P.S. Case No. 67 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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