

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61646 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

Manish Kumar Son Of Mr. Umesh Choudhary R/O Village- Manjhaulia, P.S.-
Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64367 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

Jitendar Yadav @ Jitendra Yadav S/O Ram Sewak Yadav R/O Raghai, Ward
No. 14, P.S.- Siwaipatti, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61646 of 2022)

For the Petitioner/s : Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Asha Devi

(In CRIMINAL MISCELLANEOUS No. 64367 of 2022)

For the Petitioner/s : Mr. Dwij Raj

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-01-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with

Siwaipatti P.S. Case No. 94 of 2022, registered for the

offences punishable under Sections 272, 273 and 34 of the

Indian Penal Code and 30(a) of the Bihar Prohibition and



Excise Act, 2016 and Sections 8, 20 and 22 of the N.D.P.S Act.

As per allegation, 7.2 litres of foreign liquor was recovered from a Alto 800 Maruti Car bearing Registration No. BR01BQ-7162 and 500 gram gum like material as Charas.

Ld. counsel for the petitioners submit 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 petitioner. He further submits that the recovered contraband is much less than the commercial quantity. He also submits that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. He further submits that the petitioner will co-operate in the trial and the trial will not get hampered in case he is released on bail.

He further submits that the petitioners have been languishing in jail since 06.06.2022.

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



made accused in five more cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved earlier before this Court for grant of anticipatory bail or regular bail.

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

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released 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 Spl. Excise Court No. 1, Muzzaffarpur in connection with Siwaipatti P.S. Case No. 94 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, the Ld. 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 Ld. court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The 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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