

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60457 of 2022

Arising Out of PS. Case No.-474 Year-2022 Thana- DEHRI TOWN District- Rohtas

PANKAJ @ PANKAJ SAH @ DEEPAK KUMAR GUPTA Son of Late Rup
Chand Sah @ Rupachand Sav R/V- Katar, P.S- Indrapuri, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 60870 of 2022

Arising Out of PS. Case No.-474 Year-2022 Thana- DEHRI TOWN District- Rohtas

BIRAJ KUMAR SINGH S/O LATE BASANT KUMAR SINGH R/o - Katar,
Shankarpur, P.S.- Shankarpur, District- Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 61474 of 2022

Arising Out of PS. Case No.-474 Year-2022 Thana- DEHRI TOWN District- Rohtas

WAKIL KUMAR @ BHUAR Son of Rajaram Singh R/V- Pataluka, P.s-
Tilouthu, Dist- Rohtash (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 60457 of 2022)
For the Petitioner/s : Mr. Mrityunjay Kumar
For the Opposite Party/s : Mr. Anand Kishore Choudhary
(In CRIMINAL MISCELLANEOUS No. 60870 of 2022)
For the Petitioner/s : Mr. Arya Achint
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur
(In CRIMINAL MISCELLANEOUS No. 61474 of 2022)
For the Petitioner/s : Mr. Binod Kumar Pandey
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

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 Dehri Town (Indrapuri O.P.) P.S. Case No. 474 of 2022, registered for the offences punishable under Sections 30(a) and 45 of Bihar Prohibition and Excise Act, 2016.

As per allegation, about 100 litres of country made liquor was recovered from a motorcycle.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioner. They also submit that search and seizure has not been made as per the procedure as prescribed under Section 100 Cr. P.C.

They further submit that the petitioners have been languishing in jail since 05.08.2022, 02.07.2022 and 03.07.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal



antecedents.

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 the Ld. Exclusive Special Judge, Court No. 1, Rohtas at Sasaram in connection with Dehri Town (Indrapuri O.P.) P.S. Case No. 474 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, 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, Ld. 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)

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