

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63899 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Naveen Kumar Son of Ram Balak Mahto R/V- Purnahi, P.S- Warisnagar, Dist-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74603 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Sonu Kumar S/o Bhule Ram Resident of village- 24 Gejha Tilpatabad noida,
P.S.- Fez-2 District- Gautam Budhnagar, State- Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63899 of 2022)

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Khurshid Anwar

(In CRIMINAL MISCELLANEOUS No. 74603 of 2022)

For the Petitioner/s : Mr. Anu Priyadarshni

For the Opposite Party/s : Mr. Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

The petitioners seek bail in connection with
Musarigharari P.S. Case No.125 of 2021, registered for the
offences punishable under Sections Section 30(a), 36, 41(i)
of the Bihar Prohibition and Excise Act, 2018.



As per allegation, 1933.560 liters of Indian made foreign liquor has been recovered from a truck bearing Registration No. UP-16ET- 2136.

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 further submits that the petitioners have nothing to do with the alleged recovery of liquor.

He further submits that the petitioners, Naveen Kumar and Sonu Kumar have been languishing in jail since 18.08.2022 and 24.10.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Naveen Kumar has no criminal antecedents whereas the petitioner, Sonu Kumar has earlier been made accused in one other case also.

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 petition is allowed, directing the petitioners, above-named, 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 Ld. Special Judge Excise, Court No.1, Samastipur in connection with Musarigharari P.S. Case No.125 of 2021 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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