

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65678 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- KANHAULI District- Sitamarhi

Kamlesh Kumar Yadav S/o Dev Narayan Roy @ Deo Narayan Yadav R/o
Village- Pakari, P.S.- Belwa, Distt- Sarlahi, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69694 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- KANHAULI District- Sitamarhi

Aslam Ansari S/O Yasin Ansari R/O Village- Murhadih, P.S- Kanhauli,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65678 of 2022)

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara

(In CRIMINAL MISCELLANEOUS No. 69694 of 2022)

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-01-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with

Kanhauli P.S. Case No. 124 of 2022, registered for the

offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.



As per allegation, 900 litres of liquor was recovered from a vehicle.

Ld. counsel for the petitioners submits that the petitioner 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 petitioners were not owner of the vehicle.

They further submit that the petitioners have been languishing in jail since 04.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Aslam Ansari has earlier been made accused in two other cases, whereas, petitioner, namely, Kamlesh Kumar Yadav has 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 Ld. Special Judge, Exclusive Special Excise Court I, Sitamarhi in connection with Kanhauli P.S. Case No. 124 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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