

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60449 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- BADHAILA District- Rohtas

Amit Seth @ Amit Kumar Son of Dhanjee Seth Resident of Village- Pararia,
P.S.- Baghaila, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 61868 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- BADHAILA District- Rohtas

1. Saroj Mahto @ Saroj Singh Son Of Late Dinanath Singh R/O Vill.- Parariya,
P.S.- Baghaila, Distt.- Rohtas
2. Laddu Kumar Son Of Subodh Lal R/O Vill.- Parariya, P.S.- Baghaila, Distt.-
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 71082 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- BADHAILA District- Rohtas

RAJA SETH @ RAJ KUMAR Son of Dhanjee Seth Resident of Village-
Pararia, P.S.- Baghaila, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 60449 of 2022)
For the Petitioner/s : Mr.Raghunandan Kumar Singh
For the Opposite Party/s : Mr.Anant Kumar I
(In CRIMINAL MISCELLANEOUS No. 61868 of 2022)
For the Petitioner/s : Mr.Siddharth Harsh
For the Opposite Party/s : Mr.Tapeshwar Sharma
(In CRIMINAL MISCELLANEOUS No. 71082 of 2022)
For the Petitioner/s : Mr.Navin Kumar



For the Opposite Party/s : Mr.Brajendra Nath Pandey

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 Baghaila P.S. Case No. 64 of 2022, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 25 litres of country made liquor was recovered from a accused petitioner.

Ld. counsel for the petitioners submits that the petitioners 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 also submits that there is no single drop of wine from the accused-petitioners. He also submits that search and seizure has not been made as per the procedure as prescribed under Section 100 Cr.P.C.

He further submits that the petitioners, namely, Amit Seth, Raja Seth and Saroj Mahto have been



languishing in jail since 19.08.2022, 01.08.2022 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 Ld. Court of Exclusive Spl. Judge, Court No. 1, Rohtas at Sasaram in connection with Baghaila P.S. Case No. 64 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 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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