

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63831 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- NATWAR District- Rohtas

Gobind Kumar Son of Surendra Singh Resident of village - Lohra, P.S.-
Dinara, District - Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68730 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- NATWAR District- Rohtas

Wakil Singh S/o Late Veera Singh R/v- Ishawarpura, P.S.- Bikramganj,
District- Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63831 of 2022)

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Parmanand Kumar

(In CRIMINAL MISCELLANEOUS No. 68730 of 2022)

For the Petitioner/s : Mr. Saroj Kumar

For the Opposite Party/s : Mr. Bishweshwar Ram

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 Natwar

P.S. Case No. 137 of 2022, registered for the offences

punishable under Section 30(a)/41(i) of the Bihar Prohibition

and Excise Act.



As per allegation, 66 liters of liquor has been recovered from a vehicle bearing Registration No. BR45M0 0163.

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, namely, Gobind Kumar and Wakil Singh have been languishing in jail since 23.08.2022 and 06.09.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Gobind Kumar has no criminal antecedents whereas the petitioner, Wakil Singh 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 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. Exclusive Special Judge, Excise -Court No.2 - cum-Additional Sessions Judge Rohtas at Sasaram and or other transferee Court in connection with Natwar P.S. Case No. 137 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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