

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64143 of 2022

Arising Out of PS. Case No.-94 Year-2020 Thana- ANGARGHAT District- Samastipur

Suresh Rai @ Suresh Ray Son of Nanhku Rai @ Nanku Rai Residence of
Village - Chaitya Uttari Tola Sapha, P.S.- Angarghat, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64515 of 2022

Arising Out of PS. Case No.-94 Year-2020 Thana- ANGARGHAT District- Samastipur

1. Chandan Kumar @ Chandan Ray @ Chandan Kumar Ray Son of Naresh Ray @ Naresh Rai Resident of Village- Chaitya Uttari Tola, Ward No.-11, P.S.- Angarghat, District- Samastipur
2. Chandan Kumar Ray @ Chandan Kumar Son of Pramod Ray Resident of Village- Angarghat, P.S.- Angarghat, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64143 of 2022)

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

(In CRIMINAL MISCELLANEOUS No. 64515 of 2022)

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Rajendra 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
Angharghat P.S. Case No. 94 of 2020, registered for the



offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per allegation, 216 litres of foreign liquor was recovered from a vehicle.

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 further submits that the petitioners have been languishing in jail since 26.08.2022 and 23.09.2022 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, namely, Chandan Kumar and Chandan Kumar Rai and Suresh Rai have moved this Court earlier for grant of anticipatory bail vide Cr. Misc. No. 22197 of 2021 and Cr. Misc. No. 24975 of 2021 respectively.



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. Spl. Judge Excise Court-1, Samastipur in connection with Angharghat P.S. Case No. 94 of 2020 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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