

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62934 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- BABUBARHI District- Madhubani

Chandan Kumar S/O Ram Prasad @ Ganga Prasad Resident of village-
Jamsamkuan, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63156 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- BABUBARHI District- Madhubani

Arun Kumar Singh Son of Ram Chandra Singh Resident of Village- Yogiya,
P.S.- Ladania, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64333 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- BABUBARHI District- Madhubani

Arjun Kumar Son of Late Tribhuvan Thakur Resident of mohalla - J.P.
Colony, P.S.- Madhubani Town, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62934 of 2022)

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Anant Kumar 1

(In CRIMINAL MISCELLANEOUS No. 63156 of 2022)

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Yogendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 64333 of 2022)

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Manoj Kumar

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 Babubarhi P. S. Case No. 191 of 2022, registered for the offences punishable under Sections 30(a), 32(ii)(iii) and 41 (I) of the Bihar Prohibition and Excise Act, 2016 and Sections 272, 273, 420 and 34 of the Indian Penal Code.

As per allegation, 2178 litres of liquor was recovered from a vehicle, bearing Registration No. DL1LS7276.

Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. They further submit that the petitioners are neither the driver nor the owner of the alleged vehicle. They have been made accused in this case only on the basis of suspicion. They also submit that nothing has been recovered from the conscious possession of the petitioner.

They further submit that the petitioners have been languishing in jail since 30.08.2022.

It has also been stated in paragraph no. 3 of the



bail petition that the petitioner, namely, Chandan Kumar has earlier been made accused in one case, whereas the petitioners, namely, Arun Kumar Singh and Arjun Kumar 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. Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani, in connection with Babubarhi P. S. Case No. 191 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)

skm/-

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