

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64955 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- AGIAON District- Bhojpur

1. PRADEEP KUMAR @ PARADEEP S/O RAJENDRA PANDIT Resident of House No- 8, Gali No-5, Gopal Nagar, P.S.- Najafgarh, District- South Delhi.
2. SUNIL KUMAR S/O RAMPHAL PRAJAPAT Resident of House No-45, Gopal Nagar, P.S.- Najafgarh, District- South Delhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar
For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Agiyaon (Garahani) P.S. Case No. 102 of 2022, registered

for the offences punishable under Sections 30(a) 32(i)(ii)

and 41(i) of Bihar Prohibition and Excise (Amendment) Act,

2018 and Section 419, 420 and 120(B) of the Indian Penal

Code.

As per allegation, about 166.50 litres of foreign

liquor was recovered from the cabin of a car.

The learned counsel for the petitioners submit that



the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners are drive and co-driver of the alleged car and thus they were not aware of the content of the materials loaded in the vehicle. He also submits that nothing has been recovered from the conscious possession of the petitioners. He further submits that search and seizure has not been made as per the procedure prescribed under Section 100 Cr. P.C.

He further submit that the petitioners have been languishing in jail since 10.09.2022.

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 the Ld. Exclusive Special Excise Court No. - 1, Bhojpur, Ara in connection with Agiyaon (Garahani) P.S. Case No. 102 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, the



learned court below shall cancel the bail bond 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, the learned court below shall cancel the bail bond of the petitioners.

The learned 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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