

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70125 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- KANTI District- Muzaffarpur

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Madan Sharma @ Madan Gopal Sharma Son of Late Ram Prasad Sharma @
Ram Prakash Sharma R/o Mohalla- Birampur Kali Mandir, P.S.- Koilwar,
District- Bhojpur (Ara). At present Vill- Bongaigaon Bhakarivita, Ward No.
06, P.S.- Bongaigaon, District- Bongaigaon, State- Assam

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 7690 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- KANTI District- Muzaffarpur

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Gopal Kumar Mahto @ Gopal Kumar Son of Arjun Mahto R/V- Mahua Singh
Ray, P.S- Mahua, Dist- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 70125 of 2022)

For the Petitioner/s : Mr.Shambhu Narayan Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

(In CRIMINAL MISCELLANEOUS No. 7690 of 2023)

For the Petitioner/s : Mr.Niranjan Parihar

For the Opposite Party/s : Mr.Nityanand

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-02-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Kanti

P.S. Case No. 98 of 2022, registered for the offences

punishable under Sections 30(a), 32(i)(ii), 36 and 41(i) of



the Bihar Prohibition and Excise Act, 2016.

As per allegation, 2700 litres of foreign made liquor was recovered from a truck bearing Registration No. WBSIC-3948.

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 petitioner. He also submits that petitioner name transpired only in the confessional statement of the accused person.

He further submits that the petitioners, namely, Madan Sharma and Gopal Kumar Mahto have been languishing in jail since 18.07.2022 and 25.11.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Madan Sharma has earlier been made accused in two other cases, whereas petitioner, namely, Gopal Kumar Mahto has 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. Spl. Judge-(Excise) Court No. II, Muzaffarpur in connection with Kanti P.S. Case No. 98 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.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the Court below.

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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