

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64736 of 2022

Arising Out of PS. Case No.-789 Year-2022 Thana- ARARIA District- Araria

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ALOK YADAV @ SANJEEV KUMAR @ SANJIV KUMAR @ SANJIV KUMAR YADAV SON OF LATE KULANAND YADAV R/O VILLAGE-DIWAN TOLA BARBANNA RANIGANJ WARD NO.14, P.S.- RANIGANJ, DISTRICT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 70338 of 2022

Arising Out of PS. Case No.-789 Year-2022 Thana- ARARIA District- Araria

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CHHOTU KUMAR SAH @ MAILI Son of Late Ramesh Prasad Sah @ Late Ramesh Sah Resident of Village- Chharrapatti, Raniganj, Ward No.-09, District- Araria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 75041 of 2022

Arising Out of PS. Case No.-789 Year-2022 Thana- ARARIA District- Araria

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MD. TAFEJUL Son of Sarfuddin @ Md. Safeuddin Resident of village - Choti Rampur Ward No.- 08, P.S.- Raniganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 64736 of 2022)

For the Petitioner/s : Mr. Kumar Rajdeep

For the Opposite Party/s : Mr. Ram Sumiran Rai

(In CRIMINAL MISCELLANEOUS No. 70338 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Sharma

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

(In CRIMINAL MISCELLANEOUS No. 75041 of 2022)

For the Petitioner/s : Mr. Mukesh Kumar Rana



For the Opposite Party/s : Mr. Dinesh 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 Araria (R.S.) P.S. Case No. 789 of 2022, registered for the offences punishable under Sections 30(a) and 41 of Bihar Prohibition and Excise Act, 2016.

As per allegation, 235.395 litres of illicit liquor has been recovered from two vehicles.

The learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioners. They also submit that search and seizure has not been made as per the procedure prescribed under Section 100 Cr. P.C.

They further submit that the petitioners have been languishing in jail since 12.09.2022, 13.09.2022 and 13.09.2022 respectively.

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



bail petition that the petitioners have earlier been made accused in three, two and four cases respectively.

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, the learned 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 Judge, Excise Court-1, Araria in connection with Araria (R.S.) P.S. Case No. 789 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 criminal antecedent other than the disclosed one, 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 antecedent 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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