

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64474 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- HATHAURI District- Samastipur

Sunil Kumar Son of Dinesh Singh @ Dinesh Mandar Resident of village -
Bandihuli (Van Dihuli), P.S.- Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74155 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- HATHAURI District- Samastipur

Manish Kumar Son Of Bhatari Mandal @ Bhandari Mandal @ Bhatri Mandal
R/O Village- Pura, P.S.- Hathauri (Shivajinagar Op), District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64474 of 2022)

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr.Atul Chandra

(In CRIMINAL MISCELLANEOUS No. 74155 of 2022)

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr.Rajesh 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



Hathauri(Shivajinagar Op) P.S. Case No. 32 of 2021, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 480.030 litres of foreign liquor was recovered from a straw.

Ld. counsel for the petitioners submits that the petitioner 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 petitioners name was transpired only in confessional statement of co-accused.

They further submit that the petitioners have been languishing in jail since 22.09.2022. and 02.11.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Manish Kumar has earlier been made accused in one other case, whereas, petitioner, namely, Sunil Kumar has not moved this Court earlier either for anticipatory bail or regular one.

It is also stated in paragraph no. 2 of the bail



petition that the petitioners, namely, Sunil Kumar and Manish Kumar have moved this Court earlier for grant of anticipatory bail vide Cr. Misc. No. 51743 of 2022 and Cr. Misc. No. 63001 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. Excise Court I, Samastipur in connection with Hathauri(Shivajinagar Op) P.S. Case No. 32 of 2021 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)

uttam/-

U		T	
---	--	---	--

