

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64126 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- BATHNAHA District- Sitamarhi

Pintu Kumar Son Of Suresh Sah Resident Of Village- Vishanpur @ Bisanpur,
P.S.- Bathnaha, District- Sitamarhi, Permanent Address- Lachhua, P.S.-
Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75418 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- BATHNAHA District- Sitamarhi

Lav Jha @ Lav Kumar S/O Dinesh Jha Resident Of Village- Madhopur, Ward
No- 6, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64126 of 2022)

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

(In CRIMINAL MISCELLANEOUS No. 75418 of 2022)

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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
Bathnaha P.S. Case No. 163 of 2021, registered for the
offences punishable under Sections 30(a) of the Bihar



Prohibition and Excise Act, 2018.

As per allegation, 166.500 litres of foreign made liquor was recovered from the cars.

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.

He further submits that the petitioners, namely, Pintu Kumar and Lav Jha have been languishing in jail since 13.07.2022 and 26.07.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Lav Jha has earlier been made accused in three more case, whereas petitioner, namely, Pintu Kumar has no criminal antecedents

It is also stated in paragraph no. 2 of the bail petition that the petitioners namely, Pintu Kumar and Lav Jha have moved this Court earlier either for anticipatory bail vide Cr. Misc. No. 15764 of 2022 and vide Cr. Misc. No. 34067 of 2022 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. Judge Exclusive Spl. Excise Court No. 1, Sitamarhi in connection with Bathnaha P.S. Case No. 163 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)

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