

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64514 of 2022

Arising Out of PS. Case No.-477 Year-2022 Thana- PHULPARAS District- Madhubani

MAHESH KUMAR SON OF JASHODAN SINGH R/O VILL.- NAGALA
DAYAL, KURANDA, HATHRAS, P.S.- SADABAD, DISTT.- HATHRAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65034 of 2022

Arising Out of PS. Case No.-477 Year-2022 Thana- PHULPARAS District- Madhubani

RAHUL TIWARI S/O PARAS NATH TIWARI Resident of Village- Pipra
Tiwari, P.S.- Hata, District- Kushinagar, State- Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64514 of 2022)

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Shaheen Begum

(In CRIMINAL MISCELLANEOUS No. 65034 of 2022)

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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 G.R.

No. 873 of 2022 arising out of Phulparas P.S. Case No. 477

of 2022, registered for the offences punishable under

Section 30(a) of Bihar Prohibition and Excise Act, 2022.



As per allegation, 1274.280 litres of foreign liquor has been recovered from a bus.

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 09.10.2022.

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. Special Judge, Excise Act, Jhanjharpur in connection with G.R. No. 873 of 2022 arising out of Phulparas P.S. Case No. 477 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)

ashishkr/-

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

