

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64334 of 2022

Arising Out of PS. Case No.-547 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Md. Ahmad Son of Saifuddin Ansari R/v- Muslimabad, P.S.- Daudnagar,
District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65517 of 2022

Arising Out of PS. Case No.-547 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Shivjanm kumar @ shivjanam yadav Son of Ram Pravesh Singh Resident of
Village- Mastalichak, P.S.- Obra, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68496 of 2022

Arising Out of PS. Case No.-547 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Anil Kumar @ Anil Singh Son of Binda Singh R/o Village - Sadipur Dihri,
P.S.- Obra, Dist.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71920 of 2022

Arising Out of PS. Case No.-547 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Manoj Singh Son of Sahdeo Singh Resident of Village- Mastalichak, P.S.-
Obra, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64334 of 2022)

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mr.Shyam Bihari Singh

(In CRIMINAL MISCELLANEOUS No. 65517 of 2022)

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

(In CRIMINAL MISCELLANEOUS No. 68496 of 2022)

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Shyam Bihari Singh

(In CRIMINAL MISCELLANEOUS No. 71920 of 2022)

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Abhay 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
Daudnagar P.S. Case No. 547 of 2022, registered for the
offences punishable under Section 30(a), 32, 36, 41 of the
Bihar Prohibition and Excise Act, 2018.

As per allegation, 800 litres spirit was recovered
from a transport agency.

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 petitioners.
He also submits that search and seizure has not been made



as per the procedure prescribed under Section 100 Cr.P.C.

He further submits that the petitioners have been languishing in jail since 25.09.2022, 22.10.2022 and 09.11.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in two, three, two and five other 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, 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. Trial Court in connection with Daudnagar P.S. Case No. 547 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.

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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