

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65583 of 2022

Arising Out of PS. Case No.-510 Year-2022 Thana- KANTI District- Muzaffarpur

1. NAVIN S/o Subash Rajput R/o Village- Akbarpur, Baroha, P.S.- Kundali, Distt- Sonipat, Haryana.
2. Gagan S/o Ram Kumar R/o Village- Amarpur, P.S.- Anupsahar, Distt- Bulandshahar, UP.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 06-01-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Kanti
P.S. Case No. 510 of 2022, registered for the offences
punishable under Sections 420, 467 and 468 of the Indian
Penal Code and Sections 30(a), 32(i)(ii) 36 and 41(i) of
Bihar Prohibition and Excise Act, 2016.

As per allegation, about 681.480 litres of foreign
liquor was recovered from two cars.

The learned counsel for the petitioners submit that
the petitioners are innocent and have falsely been implicated



in this case. He further submits that the petitioners were neither the driver nor the owner of the vehicle and thus they were not aware of the content of the materials loaded in the vehicle. He also submits that nothing has been recovered from the conscious possession of the petitioners.

He further submit that the petitioners have been languishing in jail since 03.08.2022.

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 Court no-II, Muzaffarpur in connection with Kanti P.S. Case No. 510 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)

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