

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63283 of 2022

Arising Out of PS. Case No.-233 Year-2022 Thana- SISWAN District- Siwan

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1. AASHISH KUMAR @ AASHISH @ AASHISH SINGH @ BHUAR SINGH Son of Amrendra Singh Resident of Village- Tarenwa Madhopur, P.S.- Siswan, District- Siwan
 2. SANDEEP KUMAR @ SANDEEP KUMAR SINGH @ CHHOTAK Son of Dhupan Singh Resident of Village- Tarenwa Madhopur, P.S.- Siswan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68007 of 2022

Arising Out of PS. Case No.-233 Year-2022 Thana- SISWAN District- Siwan

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1. RANJAY KUMAR YADAV @ RANJU @ RANAJAY KUMAR Son of Ramchandra Yadav Resident of Village- Ghorghat, P.S.- Siwan, District- Siwan
 2. ANSHU KUMAR @ ANSHU @ SANJAY KUMAR @ AASHU Son of Ranjay Kumar Yadav @ Ranju Resident of Village- Ghorghat, P.S.- Siwan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



Appearance :

(In CRIMINAL MISCELLANEOUS No. 63283 of 2022)

For the Petitioner/s : Mr. Pankaj Kumar Singh

For the Opposite Party/s : Mr. Pranav Kumar

(In CRIMINAL MISCELLANEOUS No. 68007 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 06-01-2023 Heard Ld. counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with Siswan
(Chainpur O.P) P.S. Case No. 233 of 2022, registered for
the offences punishable under Sections 30(a), 41(1) of the
Bihar Prohibition and Excise Act, 2016.

As per allegation total 170.640 liters of liquor has
been recovered from the Chaverlet vehicle bearing
Registration No. DL3CAE 4357.

Ld. counsel for the petitioners submit that the
petitioners are innocent and have falsely been implicated in
this case. He further submits that nothing has been
recovered from the conscious possession of the petitioner.

He further submits that the petitioner, namely,



Aashish Kumar @ Aashish @ Aashish singh @ Bhuar Singh
and Sandeep Kumar @ Sandeep Kumar have been
languishing in jail since 28.09.2022.

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 petitioner have not moved this Court earlier
either for anticipatory bail or regular one.

However, the 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.
Exclusive Special Excise Court No. II, Siwan, in connection
with Siswan (Chainpur O.P) P.S. Case No. 233 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.

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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