

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65864 of 2022

Arising Out of PS. Case No.-286 Year-2022 Thana- KEWATI District- Darbhanga

1. Rajiv Kumar Rai @ Rajiv Yadav Son Of Uday Shankar Yadav R/O Village-Nanaura, P.S.- Keoti, District- Darbhanga
2. Rajiv Kumar Rai Son Of Ram Sudisth Rai @ Sudish Yadav R/O Village-Nanaura, P.S.- Keoti, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74391 of 2022

Arising Out of PS. Case No.-286 Year-2022 Thana- KEWATI District- Darbhanga

Kari Yadav @ Amarjeet Yadav Son of Ram Prakash Yadav R/V- Kadam Toli,
P.S- Keoti, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65864 of 2022)

For the Petitioner/s : Mr. Ashok Kumar Prasad

For the Opposite Party/s : Mr. Pushpa Sinha.1

(In CRIMINAL MISCELLANEOUS No. 74391 of 2022)

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-01-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Keoti

P.S. Case No. 286 of 2022, registered for the offences

punishable under Section 30(a) of the Bihar Prohibition and



Excise Act, 2016.

As per allegation, 753.675 litres of foreign made liquor was recovered from a Orchard.

Ld. counsel for the petitioners submits 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 as prescribed under Section 100 Cr.P.C.

They further submit that the petitioners, namely, Rajiv Kumar Rai, Rajiv Kumar Rai and Kari Yadav have been languishing in jail since 04.10.2022, 09.10.2022 and 17.10.2022 respectively.

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 Ld. Spl. Judge-1, Excise Act, Darbhanga in connection with Keoti P.S. Case No. 286 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, 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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