

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69432 of 2022

Arising Out of PS. Case No.-648 Year-2022 Thana- GAYA KOTWALI District- Gaya

1. Suraj Kumar S/o Late Nandlal Paswan R/v- Bairagi, P.S.- Delha, District- Gaya
2. Ankit Kumar S/o Yashwant Singh R/o- Manpur, Surajdev Nagar, P.S.- Mufassil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 01-02-2023 This case is listed for hearing out of turn on account of mentioning that father of petitioner no. 2 is seriously ill and he has been referred to SGPGI, Lucknow for better treatment.

Heard Ld. counsel for the petitioners and Ld. APP for the State.

The petitioners seek bail in connection with Kotwali P. S. Case No. 648 of 2022, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 184.95 litres of liquor was



recovered from four big cartoons, kept in plastic sacks, loaded in Mahabodhi Express.

Ld. counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He further submits that the petitioners are neither the consignor nor the consignee of the said liquor; they are only the employee of M/s Shivjyoti Cargo Services.

He further submits that the petitioner has been languishing in jail since 15.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner no. 1 has no criminal antecedents whereas petitioner no. 2 has earlier been made accused in one more case.

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. Additional Sessions Judge cum Exclusive Special Excise Court No. 1, Gaya in connection with Kotwali P. S. Case No. 648 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.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioners is found to be false by the court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

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)

skm/-

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