

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65880 of 2022

Arising Out of PS. Case No.-316 Year-2022 Thana- MANIYARI District- Muzaffarpur

Shyam Jha Son Of Subodh Jha R/O Village- Brahman Tola, Ward No.2,
Dighra Patti, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66640 of 2022

Arising Out of PS. Case No.-316 Year-2022 Thana- MANIYARI District- Muzaffarpur

Sonu kumar paswan S/o Upendra Paswan @ Upendar Paswan R/v-
Akhtiyarpur Doghara, P.S.- Baligaon, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65880 of 2022)

For the Petitioner/s : Mr.Vivek Kumar Sinha

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

(In CRIMINAL MISCELLANEOUS No. 66640 of 2022)

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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

Maniyaari P.S. Case No. 316 of 2022, registered for the

offences punishable under Sections 37, 30(a) of the Bihar

Prohibition and Excise Act, 2016 and Sections 272, 273 r/w



Section 34 of the Indian Penal Code.

As per allegation, 224.000 litres of Taadi(Palm Juice) was recovered from a tempo.

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 petitioners were not aware of the fact that the said vehicle is carrying palm juice(Taddi)

He further submits that the petitioners have been languishing in jail since 21.09.2022.

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 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. Special Excise Court No. 2, Muzzaffarpur in connection with Maniyaari P.S. Case No. 316 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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