

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68999 of 2022**

Arising Out of PS. Case No.-716 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

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SANTOSH KUMAR SON OF MUNSHI BHAGAT R/O VILL.-  
SARMASPUR JHITKAAHI , P.S.- GORAUL (KATHARA O.P.), DISTT.-  
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 69157 of 2022**

Arising Out of PS. Case No.-716 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

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PANKAJ KUMAR S/o Ram Naresh Nirala R/v- Baksama, P.S.- Goraul  
(Kathara O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 68999 of 2022)

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

(In CRIMINAL MISCELLANEOUS No. 69157 of 2022)

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Manoj Kumar



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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      03-02-2023                      Heard Ld. counsel for the petitioners and Ld. APP  
for the State.

The petitioners seek bail in connection with Hajipur Sadar P.S. Case No. 716 of 2022, registered for the offences punishable under Sections 467, 468, 420 and 414 of the Indian Penal Code and Sections 30(a), 32(ii), 36 and 41(i) of Bihar Prohibition and Excise Act, 2016.

As per allegation, total 3897.72 litres of liquor was recovered from a truck and a bolero car.

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 have been languishing in jail since 09.09.2022.



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. Exclusive Special Excise 1 cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 716 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.

(vi) In case, the petitioners repeat offence of



similar nature after enlargement on bail, their bail-bond will be cancelled by the court below.

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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