

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68379 of 2022

Arising Out of PS. Case No.-576 Year-2022 Thana- AGAMKUAN District- Patna

MD. SARUKH @ MD. SHAHRUKH @ DABLU Son of Ali Ahmad @
Engineer @ Engieer Resident of Baswariya, P.S- Bettiah Town, Dist- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70139 of 2022

Arising Out of PS. Case No.-576 Year-2022 Thana- AGAMKUAN District- Patna

NASIR KHAN S/O MEHANDI KHAN Resident of village- Siripur Bazar,
P.S.- Sugauli, District- East Champara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68379 of 2022)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Meena Singh

(In CRIMINAL MISCELLANEOUS No. 70139 of 2022)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
Agamkuan P.S. Case No. 576 of 2022, registered for the
offences punishable under Sections 420, 467, 468, 471,



399, 401, 402, 414 of IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016 and Section 25(1-b) of arms Act and Section 20, 22 of NDPS Act.

As per allegation 3.375 liters of liquor and 5.20 Kg of *Ganja* has been recovered from a vehicle.

Ld. counsel for the petitioners submits 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 possession. He also submits that similarly situated co-accused has already been enlarged on bail by a coordinate Bench of this Court vide order dated 16.02.2023 passed in Cr. Msc. No. 64747 of 2022.

He further submits that the petitioners have been languishing in jail since 08.08.2022.

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 Judge, Excise, Patna City in connection with Agamkuan P.S. Case No. 576 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 get hampered 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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