

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67128 of 2022

Arising Out of PS. Case No.-646 Year-2022 Thana- BODHGAYA District- Gaya

1. Aklesh Kumar @ Pandey Son of Karu Chaudhary R/o Village- Sri Rampur, P.S.- Fatehpur, District- Gaya
2. Guddu Kumar Son of Kanhai Chaudhary R/o Village- Gopal Kera, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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 Bodh
Gaya P.S. Case No.-646 of 2022, registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per allegation, 50 liters of liquor has been
recovered from a motorcycle bearing Registration no.
BR1AG-7870.

Ld. counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in



this case due to local politics. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that the petitioners have nothing to do with the alleged recovered liquor.

He further submits that the petitioners have been languishing in jail since 11.10.2022.

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 in the present matter.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners, above-named, to be released 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 Excise Court no.1, Gaya in connection with Bodh
Gaya P.S. Case No.-646 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)

ramesh/-

U		T	
---	--	---	--

