

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69668 of 2022

Arising Out of PS. Case No.-926 Year-2022 Thana- PHULWARISHARIF District- Patna

Pawan Kumar S/o Ghanshyam Gayana R/o Village- Bhaijasar, P.S.- Bhaijasar,
Distt- Jodhpur(Rajasthan).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74092 of 2022

Arising Out of PS. Case No.-926 Year-2022 Thana- PHULWARISHARIF District- Patna

Ashok Kumar @ Ashok Chaudhary Son Of Chana Ram @ Chaina Ram R/O
Vill.- Namaniya, Gidhaniya Pali, P.S.- Madhauda, Distt.- Jodhpur (rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69668 of 2022)

For the Petitioner/s : Mr. Gaurav Prakash

For the Opposite Party/s : Mr. Ashok Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 74092 of 2022)

For the Petitioner/s : Mr. Arvind Kumar

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-02-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with

Phulwarisharif P.S. Case No.926 of 2022, registered for the

offences punishable under Sections 30(a), 32(i)(ii), 36, 41

of the Bihar Prohibition and Excise Act, 2016.



As per allegation, 315.87 liters of foreign liquor has been recovered from a car bearing Registration no. JH01-BZ-7059.

Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. 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 liquor recovered or the vehicle in question. He also submits that the petitioner are not the owner of the alleged vehicle.

He further submits that the petitioners have been languishing in jail since 03.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, Ashok Kumar @ Ashok Chaudhary have earlier been made accused in one other case whereas the petitioner, Pawan Kumar has 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. Special Judge Excise, Patna in connection with Phulwarisharif P.S. Case No.926 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.

(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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