

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69799 of 2022

Arising Out of PS. Case No.-448 Year-2022 Thana- PHULWARIYA District- Gopalganj

1. PRINCE KUMAR S/O Shiv Vachan Kumar R/O Village- Ohadpur, both P.S- Saraymir, District- Azamgarh
2. Gulshan Kumar @ Gulshan S/O Uday Raj R/O Village- Ohadpur, both Police Station- Saraymir, District- Azamgarh

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah

For the Opposite Party/s : Mr. Akshay Lal Pandit

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 Phulwariya P.S. Case No. 448 of 2022, registered for the offences punishable under Sections 420, 467, 468, 471, 120(b), 34 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation total 1468.8 liters of liquor has been recovered from a truck bearing Registration No. UP17AT9079.

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 the petitioners are only the driver and co-driver of commercial vehicle and he was not aware of the content of material.

He further submits that the petitioners have been languishing in jail since 20.10.2022.

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.

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. ADJ-II cum-special-Excise Judge Court No. 1, Gopalganj,
in connection with Phulwariya P.S. Case No. 448 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 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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