

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68546 of 2022

Arising Out of PS. Case No.-393 Year-2022 Thana- MADANPUR District- Aurangabad

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1. Mukesh Bhuiyan S/O Late Jattu Bhuiyan R/O Village- Siraundha, P.O Umga P.S- Madanpur, District- Aurangabad (Bihar)
 2. Ramashish Bhuiyan S/O Rajendra Bhuiyan R/O Village- Siraundha, P.O Umga P.S- Madanpur, District- Aurangabad (Bihar)
 3. Bharat Bhuiyan @ Bharat Kumar S/O Rajendra Bhuiyan R/O Village- Siraundha, P.O Umga P.S- Madanpur, District- Aurangabad (Bihar)
 4. Binay Bhuiyan S/O Late Sawaroop Bhuiyan R/O Village- Siraundha, P.O Umga P.S- Madanpur, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 01-02-2023 This case is listed for hearing out of turn on account of mentioning that wife of the petitioner is pregnant and she is expecting child near about 5th of February, 2023.

Heard Ld. counsel for the petitioners and Ld. APP
for the State.



The petitioners seek bail in connection with Madanpur P. S. Case No. 393 of 2022, registered for the offences punishable under Sections 30(a)(b)(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 70 litres of liquor was recovered from an open place.

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 petitioners. He also submits that the search and seizure has not been made as per the procedure prescribed under Section 100 Cr.P.C.

He further submits that the petitioners have been languishing in jail since 27.09.2022.

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. Special Judge, Excise 1st, Aurangabad (Bihar) in connection with Madanpur P. S. Case No. 393 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.

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.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner



is found to be false by the court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

(Jitendra Kumar, J)

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