

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69401 of 2022

Arising Out of PS. Case No.-470 Year-2022 Thana- SHIVSAGAR District- Rohtas

Rishu Kumar S/O Late Rambachan Singh R/O Village- Mishripur, P.S-
Sasaram, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69261 of 2022

Arising Out of PS. Case No.-470 Year-2022 Thana- SHIVSAGAR District- Rohtas

Amit Kumar @ Chhotu S/o Vishwanath Sah R/o Mohalla- Baulia Road Ward
no. 18, P.S.- Sasaram town, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69401 of 2022)

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Ramesh Chandra

(In CRIMINAL MISCELLANEOUS No. 69261 of 2022)

For the Petitioner/s : Mr. Ashok Kumar Mishra

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-01-2023 Cr. Misc. No. 69401 of 2022 is listed for hearing

out of turn on account of mentioning that B.A examination of

the petitioner is scheduled to commence on 29th of January,

2023. The other case i.e. Cr. Misc. No. 69261 of 2022 is

also listed for hearing out of turn on account of the fact that

this case also arises out of same P.S. Case i.e. 470 of 2022.



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

The petitioners seek bail in connection with
Shivsagar P.S. Case No. 470 of 2022, registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per allegation, 212.04 litres of foreign made
liquor was recovered from a vehicle.

Ld. counsel for the petitioners submits that the
petitioner are innocent and have falsely been implicated in
this case. They further submit that nothing has been
recovered from the conscious possession of the petitioners.
They also submit that search and seizure has not been made
as per the procedure as prescribed under Section 100
Cr.P.C.

They further submit that the petitioners have been
languishing in jail since 20.09.2022.

It has also been stated in paragraph no. 3 of the
bail petition that the petitioners, namely, Rishu Kumar and
Amit Kumar have earlier been made accused in two and



eight other cases.

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 Spl. Excise Court No. 2-cum-Addl. District and Sessions Judge, Rohtas at Sasram in connection with Shivsagar P.S. Case No. 470 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.

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 Trial Court getting satisfied that the ground mentioned for out of turn hearing is false, the 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.

(Jitendra Kumar, J)

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