

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68457 of 2022

Arising Out of PS. Case No.-440 Year-2022 Thana- NAUTAN District- West Champaran

Rupak Kumar Mishra S/o Raghuvansh Mishra R/v- Chatiya, P.S.- Malahi,
District- East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 68582 of 2022

Arising Out of PS. Case No.-440 Year-2022 Thana- NAUTAN District- West Champaran

Amarjeet Kumar Son Of Brij Mohan Mishra R/O Village- Tola Chatiya, P.S.-
Malahi, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 68859 of 2022

Arising Out of PS. Case No.-440 Year-2022 Thana- NAUTAN District- West Champaran

Rupesh Kumar @ Golu Mishra Son of Raghuvansh Mishra R/v- Chatiya,
P.S.- Malahi, District- East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 68457 of 2022)
For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.
For the Opposite Party/s : Ms. Shaheen Begum APP
(In CRIMINAL MISCELLANEOUS No. 68582 of 2022)
For the Petitioner/s : Mr. Anil Kumar Verma, APP
For the Opposite Party/s : Mr. Ajay Kumar No. 2, Adv.
(In CRIMINAL MISCELLANEOUS No. 68859 of 2022)
For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.
For the Opposite Party/s : Ms. Shaheen Begum APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD



ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutors appearing for the State of Bihar.

All these applications arise out of the same Police Station i.e., Nautan PS Case No. 440 of 2022, and as such, they have been heard together and are being disposed of by this common order.

The petitioners seek bail in connection with Nautan PS Case No. 440 of 2022, registered for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The petitioners are in custody since 19-08-2022 for alleged recovery of 22.560 liters illicit liquor from joint possession of three accused persons.

Learned counsel for the petitioners submits that no such recovery has been made. The same is not supported by a seizure list in accordance with law and it is further submitted that the petitioners were near the place of recovery and, therefore, have falsely been implicated in this case. It is submitted that investigation is complete

Petitioner Nos.1 and 2 have no antecedents whereas petitioner No.3 has one antecedent in which case, he is on bail.

Learned APPs for the State have opposed the prayer for bail.

Considering the rival submissions, manner of recovery, manner of petitioners' implication, period of custody, as also the fact



that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Bettiah, West Champaran, in connection with Nautan PS Case No. 440 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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