

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64906 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- GUTHANI District- Siwan

UDAY KANT Son of Upendra Kumar @ Upendra Prasad R/v- Ganpat Bigha,
P.S.- Hilsa, District- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68625 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- GUTHANI District- Siwan

CHANDAN KUMAR BHARTI S/O VISHUNDEO Resident of village-
Amhar, P.S.- Rasada, District- Baliya (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64906 of 2022)

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Anand Kishore Choudhary

(In CRIMINAL MISCELLANEOUS No. 68625 of 2022)

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Guthani

P.S. Case No. 263 of 2022, registered for the offences

punishable under Section 30(a) of Bihar Prohibition and

Excise Act, 2016.



As per allegation, about 405 litres of country made liquor was recovered from a Bolero car.

The learned counsel for the petitioners submit that the petitioners 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 further submit that the petitioners have been languishing in jail since 14.10.2022.

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 the Ld. Exclusive Special Excise Court No.-1, Siwan in connection with Guthani P.S. Case No. 263 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, the learned court below shall cancel the bail bond 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, the learned court below shall cancel the bail bond of the petitioners.

The learned 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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