

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70039 of 2022

Arising Out of PS. Case No.-298 Year-2022 Thana- RAGHOPUR District- Vaishali

1. SATISH KUMAR S/o Sanjay Rai R/v- Jahfarabad Dih, P.S.- Raghapur, (Rustampur O.P), District- Vaishali
2. AMARNATH KUMAR @ KALI RAI S/o Ballam Rai R/v- Jahfarabad Dih, P.S.- Raghapur, (Rustampur O.P), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Anant Kumar 1

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 Raghapur (Rustampur O.P.) P.S. Case No. 298 of 2022, registered for the offences punishable under Sections 272, 273, 414 and 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per allegation, 252 litres of liquor was recovered from the motorcycle of the petitioners.

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 search and seizure has not been made as per the procedure as prescribed under Section 100 Cr. P.C.

He further submits that the petitioners have been languishing in jail since 08.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner no. 1 has earlier been made accused in one other case whereas petitioner has 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 Prohibition and Excise Court 2nd cum Additional
District and Sessions Judge, Hazipur, District-Vaishali in
connection with Raghopur (Rustampur O.P.) P.S. Case No.
298 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.

(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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