

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65665 of 2022

Arising Out of PS. Case No.-380 Year-2022 Thana- OBRA District- Aurangabad

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Anil Kumar Son of Binda Yadav @ Binda Singh R/o Village - Sadipur Dihari,
P.S.- Obra, District - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 71904 of 2022

Arising Out of PS. Case No.-380 Year-2022 Thana- OBRA District- Aurangabad

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Manoj Yadav Son Of Sahdeo Yadav R/O Village- Mastalichak, P.S.- Obra,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 65665 of 2022)

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Md. Shakir Ahmad

(In CRIMINAL MISCELLANEOUS No. 71904 of 2022)

For the Petitioner/s : Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-01-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Obra

P.S. Case No. 380 of 2022, registered for the offences

punishable under Section 30(a) of the Bihar Prohibition and

Excise Act, 2016.



As per allegation, 100.080 litres of country made liquor was recovered from a Tempo bearing Registration No. BR26U7669.

Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. 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, namely, Anil Kumar and Manoj Yadav have been languishing in jail since 24.09.2022, 27.10.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners, namely, Anil Kumar and Manoj Yadav have earlier been made accused in one and five other cases respectively.

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. Spl. Judge, Excise-2nd, Aurangabad, Bihar in connection with Obra P.S. Case No. 380 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.

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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