

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71929 of 2022

Arising Out of PS. Case No.-719 Year-2022 Thana- MAHUA District- Vaishali

Pritam Kumar S/O Ranjay Singh Resident of village- Bishunpur taraura, P.S.-
Mahua, District- vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74499 of 2022

Arising Out of PS. Case No.-719 Year-2022 Thana- MAHUA District- Vaishali

1. Ranjit Kumar Son of Manoj Rai @ Manoj Ray R/O Village- Supaul Tariya,
P.S.- Mahua, District- Vaishali
2. Tuntun Kumar Son of Ashok Rai R/O Village- Supaul Tariya, P.S.- Mahua,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71929 of 2022)

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Manoj Kumar

(In CRIMINAL MISCELLANEOUS No. 74499 of 2022)

For the Petitioner/s : Mr. Anuj Kumar



For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 25-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Mahua
P. S. Case No. 719 of 2022, registered for the offences
punishable under Sections 419, 420, 467, 468, 471 and 34
of the Indian Penal Code; Sections 30(a), 32(i)(ii), 36,
37(C) and 41 of the Bihar Prohibition and Excise Act; and
Sections 25(1-b)a, 26 and 35 of the Arms Act, 1959.

As per allegation, 2633.31 litres of liquor and
some incriminating articles were recovered from different
vehicles and 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 Cr.P.C.

He further submits that the petitioners have been



languishing in jail since 19.11.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Pritam Kumar has earlier been made accused in five cases, whereas other 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 Ld. Exclusive Special Judge (Excise) Court No. II-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Mahua P. S. Case No. 719 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 get hampered 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 repeats offence of similar nature after enlargement on bail, their bail-bonds 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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