

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70133 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- VIDYAPATINAGAR District-
Samastipur

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Umashankar Thakur S/o Baleshwar Thakur R/v- Vishanpur, P.S.- Bachawara,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 71882 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- VIDYAPATINAGAR District-
Samastipur

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Dhananjay Kumar @ Dhananjay Ray S/o Ram Nandan Ray @ Ram Nandan
@ Ram Nandan Prasad Yadav R/o Village- Mow Dhaneshpur, P.S.-
Vidyapatnagar, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 70133 of 2022)

For the Petitioner/s : Mr. Deepak Kumar Singh

For the Opposite Party/s : Ms. Sangeeta Sharma

(In CRIMINAL MISCELLANEOUS No. 71882 of 2022)

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Ms. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 07-02-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with

Vidayapatnagar P.S. Case No.109 of 2022, registered for

the offence punishable under Section 30(a) of the Bihar



Prohibition and Excise Act, 2016.

As per allegation, 150 liters of country made liquor has been recovered from a newly constructed house.

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 further submits that the petitioners, Umashankar Thakur and Dhananjay Kumar have been languishing in jail since 28.08.2022 and 01.11.2022 respectively.

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 in the present case.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.



Considering the aforesaid facts and circumstances, **this petition 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 Excise Court-1, Samastipur in connection with Vidayapatinagar P.S. Case No.109 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 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, 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.

chandan/-

(Jitendra Kumar, J)

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