

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59119 of 2022

Arising Out of PS. Case No.-377 Year-2022 Thana- PAROO District- Muzaffarpur

Santosh Kumar Son Of Rital Ray R/O Village- Mohamadpur Baran, P.S.-
Paru @ Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59756 of 2022

Arising Out of PS. Case No.-377 Year-2022 Thana- PAROO District- Muzaffarpur

UPENDRA KUMAR YADAV @ UPENDRA RAI S/o Ramchandra Rai R/V-
Matihani, P.S.- Paroo, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73077 of 2022

Arising Out of PS. Case No.-377 Year-2022 Thana- PAROO District- Muzaffarpur

ABHAY RAI @ ABHAY KUMAR S/o Late Yogendra Rai @ Yogi Rai @
Jogi Ray R/o Village- Sarmastpur, P.S.- Paroo, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59119 of 2022)

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Syed Mojibur Rahman

(In CRIMINAL MISCELLANEOUS No. 59756 of 2022)

For the Petitioner/s : Mr. Pushpendra Kumar Singh

: Ms. Divya Bharti

For the Opposite Party/s : Mr. Rajiv Nayan (APP)

: Mr. S. M. Rahman (APP)

(In CRIMINAL MISCELLANEOUS No. 73077 of 2022)

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Lakshmi Kant Sharma



CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-01-2023 Heard Ld. counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with Paroo P.S. Case No. 377 of 2022, registered for the offences punishable under Sections 8, 20 (b) (ii) (c), 23, (b) and 29 of N.D.P.S. Act and 30 (a), 31, 33 and 41 (A) of Bihar Prohibition and Excise Act.

As per allegation about 1.855 kg. Ganja and 34.56 liters of illicit foreign liquor was recovered from the house of one of the petitioners kept beneath the ground.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that the recovered contraband is much less than the commercial quantity. They also submit that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. They further submit that the petitioner will co-operate in the trial and the trial will not get hampered in case he is enlarged on bail. They also submit that investigation in this case is complete and charge-



sheet has already been submitted.

They further submit that the petitioners have been languishing in jail since 03.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners, namely, Santosh Kumar, Upendra Kumar Yadav @ Upendra Rai have one criminal antecedents and Abhay Rai @ Abhay Kumar has seven criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved earlier before this Court for grant of anticipatory or regular bail.

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

Considering the aforesaid facts and circumstances, particularly the recovered quantity of contraband, the petitioners, above-named, are directed to be released 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. Special Judge Excise Court No. II, Muzaffarpur, in connection with Paroo P.S. Case No.



377 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 application stands allowed accordingly.

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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