

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73567 of 2022

Arising Out of PS. Case No.-285 Year-2022 Thana- PATNA RAIL P.S. District- Patna

1. Rohit Kumar, S/o Pramod Rai, Resident of Village- Jethuli, P.S.- Nadi, District- Patna.
2. Uttam Kumar, S/o Umesh Rai, Resident of Village- Jethuli, P.S.- Nadi, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh

For the Opposite Party/s : Mr. Amit Kumar Rakesh

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 Spl.
Case No. 2616 of 2022 arising out of Rail Patna P.S. Case
No.285 of 2022, registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016, Section 353 and 34 of the Indian Penal Code and
Section 141, 145, 154, 165 of the Railway Act .

As per allegation, 47.25 liters of liquor has been
recovered from the accused persons.

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 the petitioners were not apprehended on the spot and their name transpired only in the confessional statement of the co-accused.

He further submits that the petitioners have been languishing in jail since 10.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in one other case each.

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 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 Judge Excise, Patna, in connection with Arrah Muffasil P.S. Case No. 403 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 repeat 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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