

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74767 of 2022

Arising Out of PS. Case No.-551 Year-2022 Thana- NAUTAN District- West Champaran

Vikash Kumar, Son of Prem Chandra Prasad, R/V- and P.S- Kalibagh Dist-
West champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 74888 of 2022

Arising Out of PS. Case No.-551 Year-2022 Thana- NAUTAN District- West Champaran

Nitesh Kumar, S/o Bal Mukund Prasad @ Bal Mukund Prasad, R/o Killa
Mohalla- Sant Kabir Chowk, P.S- Bettiah Town, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 74916 of 2022

Arising Out of PS. Case No.-551 Year-2022 Thana- NAUTAN District- West Champaran

Sandeep Kumar, S/o Lal Babu Bhagat, R/o Ward No. 04, Bishamabar Pur,
P.S.- Nautan, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 75369 of 2022

Arising Out of PS. Case No.-551 Year-2022 Thana- NAUTAN District- West Champaran

Upendra Kumar, S/o Sri Bechu Sahani, R/v- Vishambharpur Chharki, P.S.-
Nautan, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 3289 of 2023

Arising Out of PS. Case No.-551 Year-2022 Thana- NAUTAN District- West Champaran



Awdhesh Kumar, Son of Gorakh Sahani, R/v- Jagdishpur, P.S.- Jagdishpur,
District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74767 of 2022)

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Opposite Party/s : Mr. Atul Chandra

(In CRIMINAL MISCELLANEOUS No. 74888 of 2022)

For the Petitioner/s : Mr. Ashok Kumar Gupta

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

(In CRIMINAL MISCELLANEOUS No. 74916 of 2022)

For the Petitioner/s : Mr. Umesh Kumar Gupta

For the Opposite Party/s : Mr. Madan Kumar

(In CRIMINAL MISCELLANEOUS No. 75369 of 2022)

For the Petitioner/s : Mr. Abhishek Kumar

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

(In CRIMINAL MISCELLANEOUS No. 3289 of 2023)

For the Petitioner/s : Mr. Murari Sharan Tiwari

For the Opposite Party/s : Mr. Parmanand Prasad

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 Nautan
P.S. Case No.551 of 2022, registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per allegation, 39.6 liters of liquor has been
recovered from three motorcycles of 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 the petitioners have no concern with the alleged seizure of liquor.

He further submits that the petitioners have been languishing in jail since 21.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedent.

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. Exclusive Special Judge, Excise, Bettiah, West Champaran,



in connection with Nautan P.S. Case No.551 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.

(Jitendra Kumar, J)

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