

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74667 of 2022

Arising Out of PS. Case No.-376 Year-2022 Thana- NAUTAN District- West Champaran

1. Sonu Kumar, Son of Late Keshaw Das ,R/o Village- Mehsi Bathna, P.S.- Mehsi, District- East Champaran
2. Gunjan Kumar, Son of Bhukhal Sahni @ Muklal Sahni, R/O Village- Chilwaniya (silwania), P.S.- Banzaria, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Bishweshwar Ram

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.376 of 2022, registered for the offences punishable under Sections-414 of the Indian Penal Code 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 156.900 liters of liquor has been recovered from a tempo.

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 petitioner have no concern with the alleged occurrence as well as from the recovered articles. He also submits that the petitioner are neither driver nor owner of the said vehicle.

He further submits that the petitioners have been languishing in jail since 12.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner no.1 has no criminal antecedent whereas petitioner no.2 has earlier been made accused in four other cases.

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. Exclusive Special Judge, Excise, Bettiah, West
Champaran, in connection with Nautan P.S. Case No.376 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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