

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73963 of 2022

Arising Out of PS. Case No.-308 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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MD IMRAN S/O Md. Rahman R/O Village- P.S- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 74700 of 2022

Arising Out of PS. Case No.-308 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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RAHUL KUMAR Son of Dilip Mahato Resident of Village - Ulao, Ward No.-
3, P.S.- Muffasil (Singhaul O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 5 of 2023

Arising Out of PS. Case No.-308 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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DEVNANDAN SAH @ DEVNANDAN SAO S/o Late Laxmi Sah @ Late
Laxmi Sao R/o Village- Pipra, Ward no. 15, Dumri, P.S.- Town (Ratanpur
OP), Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 5484 of 2023

Arising Out of PS. Case No.-308 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

- =====
1. DILIP KUMAR PASWAN Son of Late Doman Paswan Resident of Village -
Pachambha Bhagwati Asthan, P.S.- Muffasil (Singhaul O.P.), District -
Begusarai.



2. Shrawan Choudhary Son of Narayan Choudhary Resident of Village -
Subhash Nagar Pani Tanki, P.S.- Sadar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 73963 of 2022)

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Dashrath Mehta

(In CRIMINAL MISCELLANEOUS No. 74700 of 2022)

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Ms. Renu Kumari

(In CRIMINAL MISCELLANEOUS No. 5 of 2023)

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Nand Kumar

(In CRIMINAL MISCELLANEOUS No. 5484 of 2023)

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
Sahebpur Kamal P.S. Case No. 308 of 2022, registered for
the offences punishable under Section 120(b) of the Indian
Penal Code and Sections 30(a), 32(i)(ii), 41(ii)(iii) of Bihar
Prohibition and Excise Act, 2016 and 120(B) of the Indian
Penal Code.

As per allegation, total 825 litres of foreign liquor
from pick-up van and 48 litres were recovered from a swift
car respectively.



Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioners. They also submit that search and seizure has not been made as per the procedure as prescribed under Cr. P.C.

They further submit that the petitioners have been languishing in jail since 12.11.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners, namely, Md. Imran, Rahul Kumar, Devendra Sah, have earlier been made accused in one case whereas the petitioners, namely, Dilip Kumar Paswan and Shrawan Choudhary 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.

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. concerned Trial Court in connection with Sahebpur Kamal P.S. Case No. 308 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 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-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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