

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65477 of 2022

Arising Out of PS. Case No.-185 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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1. Sahil Son of Samser @ Samrendra @ Shamsher Singh Resident of Village- Joli, P.S.- Gohna, District- Sonipat(Hariyana)
 2. Mohit Son of Dinesh Resident of Village- Sonipat, P.S.- Town Sonipat, District- Sonipat(Hariyana)
 3. Anand Son of Rajbir @ Ranvir Resident of Village- Bidal, P.S.- Gohna, District- Sonipat(Hariyana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2257 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

Pradeep Son of Pratap Singh Resident of Village- Rukhi, P.S.- Barodra
Tahsik, Gohana, District- Sonipat (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65477 of 2022)

For the Petitioner/s : Mr. Abhishek Kumar, Ms. Rashmi Jha,
Mr. Sharad Kumar Verma

For the Opposite Party/s : Mr. Akshay Lal Pandit

(In CRIMINAL MISCELLANEOUS No. 2257 of 2023)

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-01-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with



Dumariyaghat P.S. Case No. 185 of 2022, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 309.150 liters of foreign liquor has been recovered from the dickey of a car bearing Registration no. BR01BR- 5427.

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 no incriminating articles have been recovered from the petitioners.

He further submits that the petitioners have been languishing in jail since 27.08.2022

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



present matter.

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. Special Judge Excise Court no. 2, Motihari, East Champaran in connection with Dumariyaghat P.S. Case No. 185 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, 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.

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.

chandan/-

(Jitendra Kumar, J)

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