

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73139 of 2022

Arising Out of PS. Case No.-571 Year-2022 Thana- SIWAN CITY District- Siwan

1. Rohit Bin, Son of Sri Bin, Resident of Village- Gorkari, P.S.- Laukariya, District- Bettiah (West Champaran)
2. Prem Kumar, Son of Bhola, Resident of Village- Gorkari, P.S.- Laukariya, District- Bettiah (West Champaran)
3. Rajesh Bin, Son of Bikau Bin, Resident of Village- Bharwaliya, P.S.- Kudhnibari, District- Maharajganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Partys

with

CRIMINAL MISCELLANEOUS No. 1159 of 2023

Arising Out of PS. Case No.-571 Year-2022 Thana- SIWAN CITY District- Siwan

Om Prakash, Son of Gopal @ Gopal Kumar, R/V- Mundaka, P.S- Mundaka,
Distt- Delhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Partys

Appearance :

(In CRIMINAL MISCELLANEOUS No. 73139 of 2022)

For the Petitioner/s : Ms. Kumari Anupam

For the Opposite Party/s : Ms.Pushpa Sinha.1

(In CRIMINAL MISCELLANEOUS No. 1159 of 2023)

For the Petitioner/s : Ms. Kumari Anupam

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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 Siwan

Town P.S. Case No.571 of 2022, registered for the offences



punishable under Sections 30(a), 38(ii), (iii), 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 185.355 liters of liquor has been recovered from the dickey of a car bearing Registration no. BR-OI-CA-3231.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. She further submits that nothing has been recovered from the conscious possession of the petitioners. She further submits that the petitioners are neither driver nor owner of the alleged vehicle. She also submits that the petitioners have no concern with the alleged recovery of liquor.

He further submits that the petitioners have been languishing in jail since 16.10.2022.

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 Excise Court-II, Siwan, in connection with Siwan Town P.S. Case No.571 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)

chandan/-

U		T	
---	--	---	--

