

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21153 of 2020**

Arising Out of PS. Case No.-166 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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1. AKHILESH KUMAR Son of Binod Ray Resident of Village - Lasegaripur, P.S.- Kati, District - Muzaffarpur.
 2. Vikash Kumar Son of Binod Ray Resident of Village - Lasegaripur, P.S.- Kati, District - Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-06-2020 Learned counsel for the petitioners undertakes to remove the defects, as pointed out by office, within three weeks after start of normal functioning of the court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners, in the present application, are seeking regular bail in connection with Kanti P.S. Case No. 166/2020 registered for the offence under Sections 30(a) of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. Petitioner no.1 is the elder brother of petitioner no. 2 as they are driver and cleaner of the Auto from which the illicit liquor is said to have



been recovered. Learned counsel submits that petitioners have got no criminal antecedent and they are in custody since 18.03.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that both the petitioners are brothers and they are driver and cleaner of the Auto in question from which the illicit liquor is said to have been recovered and the same was not in their knowledge as also that the seizure list has not been prepared in presence of independent witness and further that they have remained in custody since 18.03.2020, investigation against them is complete and they have no criminal antecedent as well, let the petitioners above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Kanti P.S. Case No. 166 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person 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 or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioners.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

