

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21377 of 2020**

Arising Out of PS. Case No.-79 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

-
1. SAKIR HUSSAIN Son of Abdul Aziz Resident of Village - Khatima, P.S.- Khatima, District - Udam Singh Nagar (Uttarakhand).
 2. Samsad @ Pappi Son of Akhtar Hussain Resident of Village - Khatima, P.S.- Khatima, District - Udam Singh Nagar (Uttarakhand).

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy, APP

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

2 02-07-2020 Learned counsel for the petitioners undertake to remove all the defects as pointed out by the office within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned APP for the Sate.

The petitioners in the present case are seeking regular bail in connection with Muzaffarpur Sadar P.S. Case No. 79 of 2020 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. They are in custody since 25.02.2020 having no criminal antecedent and investigation against them is complete. It is further submitted that they were not aware of the illicit liquors kept inside the cartons and they were only asked to transport the cartons of Bambam snacks.



Learned APP for the State has opposed the prayer for bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it appears that two petitioners having no criminal antecedent are said to be the driver and cleaner of the vehicle in question and it is their contention that they were asked to transport the cartons of Bambam Snacks in the truck and were not aware of the illicit liquors as also that they are in custody since 09.02.2020, chargesheet has already been submitted against them and the trial is not likely to be concluded in near future, let the petitioners above named be released on bail in connection with Muzaffarpur Sadar P.S. Case No. 79 of 2020 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction learned Special Judge Excise Act, Muzaffarpur, since the petitioners are resident of another State, in order to secure their presence, this Court directs that one of the sureties would be a local resident of State of Bihar, 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 they 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)

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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'.

