

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.27986 of 2020**

Arising Out of PS. Case No.-48 Year-2020 Thana- MANJHI District- Saran

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1. NIRMAL SINGH S/o Nand Lal Singh Resident of Village-Kaletra, P.S.-Nagardem, District-Ropar (Punjab)
  2. Akshar Singh @ Achhar Singh S/o Pritam Singh Resident of Village-Kaletra, P.S.-Nagardem, District-Ropar (Punjab)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, Advocate

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

2      04-11-2020                      Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Manjhi P.S. Case No. 48 of 2020 registered for the offences punishable under Section 30, 30(A), 38(i)(ii), 36, 41 of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that these petitioners are the driver and Khalasi respectively of the Truck from which the illicit liquors have been recovered. It is the



submission of learned counsel for the petitioners that the petitioners have been falsely implicated in this case, nothing has been recovered from the conscious possession of the petitioners and police has forcibly extracted confessional statement of petitioner no. 1 and cooked up a false story. Learned counsel submits that these petitioners have got no criminal antecedent and they are in judicial custody since 27.02.2020. The investigation of the case is complete and the petitioners are ready to abide by such terms and conditions which may be imposed upon them to secure their appearance in course of trial.

Mr. Akhileshwar Dayal, learned APP for the State has opposed the prayer for regular bail of the petitioners.

Considering the facts and circumstances of the case wherein these petitioners are said to be the driver and Khalasi respectively and have remained in judicial custody since 27.02.2020 and at this stage there is no submission against them that their release is likely to interfere with the evidences or with the course of trial, let the petitioners above-named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.D.J. 2<sup>nd</sup> cum Special Judge, Excise, Saran at Chapra, in connection with



Manjhi P.S. Case No. 48/2020, subject to the condition as laid down under Section 437 (3) 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, of 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.

Further condition that both the bailors of the petitioners would a local resident of the State of Bihar having sufficient immovable property and the petitioners shall appear before the trial court as and when the date is fixed in the matter, two consecutive non-appearance in course of trial shall invite cancellation of the bail bond of the petitioners.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioners.

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.

This application stands disposed off accordingly.

**(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'.

