

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27321 of 2020**

Arising Out of PS. Case No.-64 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. Guru Dayal Singh Son of Darshan Singh Resident of Village- Jivai Kadim, P.S.- Patwai, District- Rampur (U.P.).
 2. Vikram Veer Son of Balvir Singh Resident of Village- Vilaspur, P.S.- Vilaspur, District- Rampur (U.P.).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Rashimi Bharti, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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

2 20-10-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

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

The petitioners in the present case are seeking regular bail in connection with Sadar P.S. Case No. 64 of 2020 registered for the offences punishable under Sections 272, 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that the FIR has been lodged by the ASI of Police on 02.02.2020 and according to the said FIR, police apprehended the petitioners who are driver and khalasi of Truck No. UP22AT-2359, some other accused were also arrested and they were brought to the police station, on the next day



vehicle was searched in presence of two police personnel who are home guards and then on search, it is alleged that about 2635 liter and 200ml foreign liquor were recovered from one of the trucks whereas 2152 liter and 800 ml foreign liquor were recovered from the truck bearing no. UP22AT-2359 which was allegedly kept under the cover of Bumbum Namkin.

Learned counsel submits that petitioners were remanded in this case on 04.02.2020 i.e. after more than 24 hours and the seizure list has been prepared in presence of two home guards which taken away the sanctity of the seizure list also.

It is further submitted that the petitioners are in custody since 04.02.2020 in connection with this case, they have no criminal antecedent as stated in paragraph '3' and then the co-accused Ranjit Singh who has been arrested in connection with another truck has been granted regular bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 23570 of 2020, therefore, these petitioners deserve privilege of regular bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioners but considering the facts and circumstances of the case and that the petitioners have remained in custody for over 7 months as also one of the co-accused similarly situated has been granted privilege of regular bail by a learned Co-ordinate Bench of this Court, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five



thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Sadar P.S. Case No. 64 of 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.

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.

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 steps for cancellation of bail bonds of the petitioners.

Further condition that one of the bailors would be a permanent resident of State of Bihar having immovable property in this State.



And further condition that petitioner shall participate in course of trial on the date fixed in the matter and two consecutive defaults in putting appearance without leave of the Court shall invite action towards cancellation of bail bonds of the petitioners.

This application stands of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/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'.

