

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30542 of 2020**

Arising Out of PS. Case No.-136 Year-2020 Thana- DAUDPUR District- Saran

1. NIRAJ KUMAR CHAUDHARY @ NIRAJ KUMAR, S/O Jagarnath Chaudhary, R/o Village - Andauli, Ward No. -10 , P.S. - Maharajganj, District - Siwan.
2. Pankaj Kumar Sah, S/O Raju Prasad Sah, R/o Village - Andauli, Ward No. -10 , P.S. - Maharajganj, District - Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra, Advocate

For the Opposite Party/s : Mr.Dr. Mritunjay Kumar Gautam, A.P.P.

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

2 23-11-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Dr. Mritunjay Kumar Gautam, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Daudpur P.S. Case No. 136 of 2020 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioners submits that as per the first information report, during patrolling the police intercepted a motorcycle and recovered 200 illicit liquors and arrested these



petitioners.

Learned counsel submits that it is not possible to carry 200 liters liquor on a motorcycle. It is his submission that the petitioners have falsely been implicated in this case. The petitioners are in custody since 21.06.2020 having no criminal antecedent.

Learned APP 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 the petitioners have been falsely implicated in this case as it is not possible to carry 200 illicit liquor on the motorcycle, the seizure list has not been prepared in accordance with law as no parental address of the witnesses have been shown in the seizure list, the petitioners having no criminal antecedent are in jail since 21.06.2020 and there is no submission on behalf of the State that their release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioners above-named be released on bail on furnishing 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 Special Judge, Excise, Siwan in connection with Daudpur P.S. Case No. 136 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, 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

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.

The application is allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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

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'.

