

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30506 of 2020**

Arising Out of PS. Case No.-276 Year-2020 Thana- DARIYAPUR District- Saran

1. DEEPAK KUMAR SINGH aged about-40 years, Gender-Male, Ravindra Singh R/O Village- Lanka Kachuwara, P.S. - Gaurichak, Dist.- Patna.
2. Gunjan Singh aged about 31 years, Gender Male, S/O Ashok Singh R/O Village- Lanka Kachuwara, P.S. - Gaurichak, Dist.- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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

2 23-11-2020 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. Jagdhar Prasad, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Dariyapur P.S. Case No. 276 of 2020 registered for the offence punishable under Section 30(a) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioners submits that during vehicle checking by Police, one pick-up van was intercepted and on being searched, 180 liters of spirit kept in six gallons were recovered from the vehicle and the petitioners being driver and cleaner have been arrested.



Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case due to high handedness of the Police. The petitioners are in custody since 14.08.2020 having no criminal antecedent. It is further submitted that the seizure list has not been prepared in accordance with law.

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 these two petitioners are said to be the driver and cleaner of the vehicle in question from which illicit spirit have been recovered but then these two petitioners have remained in jail since 14.08.2020, investigation against them is complete, there is no submission 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 and the petitioners have otherwise no criminal antecedent, let the petitioners above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge – cum – Special Judge, Excise Act, Saran in connection with Dariyapur P.S. Case No. 276 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 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.

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.

This application is 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'.

