

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.32609 of 2020**

Arising Out of PS. Case No.-394 Year-2020 Thana- SARAIYA District- Muzaffarpur

1. Shushil Kumar @ Sudan son of Dayalal Bhakt @ Dayalal Bhagat @ Dayalal resident of Village - Pokhraiya, P.S. - Saraiya, Jaitpur O.P. District- Muzaffarpur.
2. Sunil Kumar @ Budhan, son of Dayalal Bhakt @ Dayalal Bhagat @ Dayalal, resident of Village - Pokhraiya, P.S. - Saraiya, Jaitpur O.P. District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand,Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

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

2 09-12-2020 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 Mr. Shantanu Kumar, learned APP.

The petitioners in the present case are seeking regular bail in connection with Saraiya (Jaitpur O.P.) P.S. Case No. 394 of 2020 registered for the offence punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The recovery of illicit liquor has not been made from the house of the



petitioners, in fact it has been recovered from outside the house of the petitioners. Learned counsel submits that though the father of the petitioners was present in the house but no seizure list was supplied to him as also the petitioners have remained in jail in connection with this case since 17.06.2020 and have 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 seizure of illicit liquor has in fact been made from outside the house of the petitioners but it has been shown to have been recovered from the house of the petitioners and further submission that though father of the petitioners was very much present in the house but no seizure list was supplied to him as also the submission that both the petitioners have remained in jail in connection with this case since 17.06.2020, investigation against them is complete and they have no prior criminal history, there being no submission on behalf of the State that their release at this stage is likely to result in tampering with 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 Act, Muzaffarpur in connection with Saraiya (Jaitpur O.P.) P.S. Case No. 394 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 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 step for cancellation of bail bond of the petitioners.

The application is allowed.

(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'.

