

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2456 of 2020

1.BABLU SHEKH AGED ABOUT 22 YEARS, MALE, S/O NIZAM SHEKH, R/O VILLAGE-PANDEYPUR, BARANASI, P.S.-PANDEYPUR, DISTRICT-VARANASHI (U.P).

2.RISHI RAJ, AGED ABOUT 21 YEARS, MALE, S/O ARUN THAKUR, R/O VILLAGE-RAGHOULI, WARD NO. 5, P.S.-BISHPHI, DISTRICT-MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Op. Party

Appearance :

For the Petitioner/s : Mr. Binay Kr Singh, Adv

For the Respondent/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates and the Staffs joined the proceedings through Video Conferencing from their residence.)

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Date : 12-05-2020

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

Petitioners seek regular bail in connection with **Special Case No. 8883 of 2019 arising out of Patna Junction P.S. Case No. 550 of 2019** registered for the offence punishable under sections 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2018.



Allegation against petitioner no. 1 is of recovery of 15.120 litre and allegation against petitioner no. 2 is of recovery of 18.900 litre of Indian made foreign liquor.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case on the basis of suspicion only. Petitioners have got no criminal antecedent and are in custody since 07.10.2019.

Learned counsel for the State opposes the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances of the case and period of custody, let the petitioners named above be released on bail on furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount in connection with **Special Case No. 8883 of 2019 arising out of Patna Junction P.S. Case No. 550 of 2019**, to the satisfaction of **Special Court, Excise, Patna**, subject to the following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be represented on each and every date fixed by the court.



(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail the trial court shall take steps to cancel their bail bond.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my *e-mail* I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my *e-mail* I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) The said order shall be communicated to the Court below for the needful by the Secretary through *e-mail*.

(v) Let a copy of the order be sent to the learned counsel for



the petitioner also on his *e*-mail address. Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(S. Kumar, J)

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