

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12807 of 2021**

Arising Out of PS. Case No.-964 Year-2020 Thana- ARARIA District- Araria

1. CHANDRA KISHORE RAI SON OF DILIP RAI R/o village- Shivram, P.S.- Bahera, District- Darbhanga
2. GOVIND RAI SUNIL RAI R/o village- Shivram, P.S.- Bahera, District- Darbhanga

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Jha, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 14-06-2021 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 learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Araria (Bairgachi) P.S. Case No. 964/2020 (Special Case No. 983/2020) registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

As per prosecution story, while the informant along with police party were on patrolling duty and checking the vehicles, one Pick Up Van was stopped by the police party and on search 890.640 liters illicit liquor were recovered from the said vehicle.



Learned counsel for the petitioners submits that petitioners are the driver and Khalasi respectively of the vehicle in question and have been falsely implicated in this case and they are in custody since 24.11.2020.

Learned A.P.P. for the State has opposed the prayer for 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 are the driver and khalasi respectively of the vehicle in question which was carrying illicit liquor, petitioner no. 1 has got no criminal antecedent whereas petitioner no. 2 has got one criminal antecedent in which he is on bail and in connection with the present case both of them have remained in jail since 24.11.2020, this court directs release of the petitioners above-named on bail on furnishing of 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 2nd Additional Sessions Judge – cum – Special Judge (Excise Act), Araria, in connection with Araria (Bairgachi) P.S. Case No. 964/2020 (Special Case No. 983/2020), 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 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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'.

