

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16331 of 2021**

Arising Out of PS. Case No.-365 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. MANISH KUMAR Son of Birendra Yadav Resident of Village- Mojma,
P.S.- Shankarpur, District- Madhepura.
 2. Neeraj Kumar Son of Prem Kumar Modi Resident of Village- Shankarpur,
P.S.- Shankarpur, District- Madhepura.
- Petitioner
- Versus
- THE STATE OF BIHAR
- Opposite Party
-

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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

2 01-07-2021 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 Special Case No. 365 of 2020 registered for
the offences punishable under Section 30(a) and 56(b) of Bihar
Prohibition and Excise Act, 2016.

As per prosecution story, while the informant on getting
confidential information was checking the vehicle and in course of
checking of one Maruti Suzuki Car illicit foreign liquor has been
recovered from the dickey and the persons disclosed their name as



Manish Kumar and Neeraj Kumar (the petitioners) and from the said car total 63 liters of illicit foreign liquor was recovered.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that petitioners had no knowledge that the illicit liquor is kept in the vehicle, however they are in custody in connection with this case since 13.12.2020 having no criminal antecedent.

Learned A.P.P. 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 they have been falsely implicated in this case, the recovery is not from the conscious possession of the petitioners, they have no criminal antecedent and have remained in custody in connection with this case since 13.12.2020, investigation against them is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge – cum – Special Judge (Excise), Kishanganj, in connection with Special Case No. 365/2020, 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 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. 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.

(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'.

