

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16219 of 2021**

Arising Out of PS. Case No.-563 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

1. UTTAM KUMAR SHARMA Son of Sri Surendra Sharma Resident of Village - Jogapur Khoti, P.S.- Zamo Bazar, Distt.- Siwan.
2. Rakesh Kumar @ Guddu Son of Sri Majister Sah Resident of Village - Jogapur Khoti, P.S.- Zamo Bazar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shambhu Prasad Yadav, Adv.
For the Opposite Party/s	:	Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-08-2021 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 Siwan Muffasil P.S. Case No.563/2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a)/41(1) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that as per the prosecution story on 24.12.2020 at 5.30 am when the

informant along with police party was on patrolling duty he received a confidential information that one white colour Safari vehicle came from Mairwa to Siwan in which illegal liquor was kept. On this information the informant reached at the given place and started checking of vehicles and intercepted the said Safari vehicle. It is alleged that on search from the said vehicle 172.800 liters of illicit liquor was recovered.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case at the instance of their enemies. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioners. It is submitted that the petitioners are in custody in connection with this case since 25.12.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein this Court has noticed that allegedly 172.800 liters of illicit liquor was recovered from a Safari vehicle with which the petitioners have no concern, the petitioner no.1 has no criminal antecedent whereas petitioner no.2 has got one case under Section 379/34 of the Indian Penal Code as stated in paragraph 3 in which he is said to be on bail, they are in custody

since 25.12.2020 and the investigation against them is complete but the trial is not likely to take place in near future, this Court directs that 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 Additional District and Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Siwan Muffasil P.S. Case No.563/2020, 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.

(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'.