

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16243 of 2021**

Arising Out of PS. Case No.-433 Year-2020 Thana- MINAPUR District- Muzaffarpur

1. MD. FARUKH S/O MD IRSHAD HUSSAIN R/o village- Lalpur Gangwari,
P.S.- Manadher, District- Muradabad (U.P.)
2. Md. Rizwan S/o Md. Menhadi Hussan R/o village- Madharpura , P.S.-
Manadher, District- Muradabad (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, 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 Minapur P.S. Case No.433/2020 registered for the offences punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that as per the prosecution story the allegation against the petitioners are

that they are said to be the driver and khalasi respectively of the vehicle from which total 2097 liters of illicit liquor was recovered.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the petitioners have no concern with the alleged recovery of illicit liquor. The petitioners are in custody in connection with this case since 04.11.2020 having no criminal antecedent.

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 the petitioners are said to be the driver and khalasi respectively of the vehicle in question, the petitioners are in custody in connection with this case since 04.11.2020, they have otherwise no criminal antecedent, 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 completion of one year of custody**, 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, Muzaffarpur in connection with Minapur P.S. Case No.433/2020, 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.

And further condition that one of the bailors would be

a local person residing in the jurisdiction of the learned court
below having sufficient means.

(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'.