

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17963 of 2021**

Arising Out of PS. Case No.-755 Year-2020 Thana- FORBESGANJ District- Araria

1. CHAITANYA KUMAR SAH Son of Bhupendra Prasad Sah Resident of Saifganj, Ward No.7, P.S.- Forbesganj, District- Araria.
2. MD NAUSHAD Son of Md. Najim Resident of Busgara Rampur, P.S.- Forbesganj, District- Araria.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate.
For the Opposite Party/s : Mr. Satyanand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-07-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Satyanand Shukla, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Spl. Case No. 728 of 2020 arising out of Forbesganj P.S. Case No. 755 of 2020 registered for the offences punishable under Sections 30(a) of Bihar Prohibition & Excise Act, 2016 and Section 414 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story, on raid from one Sumo Gold vehicle in



which these petitioners were sitting, 5 cartoon illicit foreign liquor were recovered. Thereafter, the police seized the vehicle and illicit liquor, and the accused persons were arrested.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners were the co-passenger on the vehicle from which the illicit liquors have been recovered. The petitioners are in custody since 21.09.2020.

Learned APP for the State 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 from the submissions made that the petitioners claim to be the co-passenger on the vehicle from which the illicit liquors have been recovered, both of them are in custody since 21.9.2020, the petitioner No. 1 has got three criminal antecedent of similar nature whereas the petitioner No. 2 has no criminal antecedent, investigation against them is complete but the trial is not likely to take place in near future, considering the criminal antecedent of the petitioner No. 1, this court directs that the petitioner No. 1 shall be released on bail **on completion of one year of custody**, petitioner No. 2 shall be released forthwith, both the petitioners shall, however furnish bail bonds 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 & Sessions Judge-II-cum-Special Judge, Excise Act, Araria in connection with Special Case No. 728 of 2020 arising out of Forbesganj P.S. Case No. 755 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.

