

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17967 of 2021**

Arising Out of PS. Case No.-268 Year-2020 Thana- MALSALAMI District- Patna

1. MUNNA KUMAR S/o Ramiqbal Rai Resident of village - Jafrabad, P.S. - Raghapur, District - Vaishali.
2. Shambhu Kumar S/o Late Shankar Rai Resident of village - Jafrabad, P.S. - Raghapur, District - Vaishali.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, 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 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 Malsalami P.S. Case No. 268 of 2020 registered for the offences punishable under Section 30(A) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

As per the prosecution story, the informant while on patrolling duty got secret information about trade of illegal liquor at Sharifganj Ghat. The informant along with his police team reached at the place of occurrence and saw two persons in two



auto rickshaws. On seeing the police these two persons tried to flee away but were eventually apprehended and upon search total 192 litres and 128 litres illegal mahua liquor has been recovered from each auto rickshaws.

Learned counsel for the petitioner submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioners. Learned counsel submits that the petitioners are in custody since 24.10.2020 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, the quantity of liquor allegedly recovered from the auto rickshaw, petitioners having no criminal antecedent and have remained in custody in connection with this case since 24.10.2020, investigation against them is complete but the trial is not likely to take place in near future, let the petitioners above named be released 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 1st Additional Sessions Judge-cum-Special Judge, Excise, Patna in connection with Malsalami P.S. Case No. 268 of 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 of accordingly.

(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'.

