

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17900 of 2021**

Arising Out of PS. Case No.-234 Year-2020 Thana- DAGARUA District- Purnia

1. ANSHU KUMAR SON OF WAKIL SINGH R/O VILLAGE- ENIYAR, P.S.- LAKHO (O.P.), DISTRICT- BEGUSARAI.
2. RAJAN PASWAN SON OF BALESHWAR PASWAN R/O VILLAGE- BARI BALIYA, P.S.- BALIYA, DISTRICT- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Adv.
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-07-2021 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 Dagarua P.S. Case No.234/2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story the informant who is A.S.I. of Dagarua police station submitted a written report



addressed to the officer in-charge of Dagarua Police Station stating therein that on 20.12.2020 at 22.00 hours while he was on patrolling duty he received a confidential information that one Tata-407 vehicle loaded with liquor was coming from Dalkola and going to Purnea. On receiving this information he proceeded towards Barsauni Toll Plaza at 5.20 am and started checking of the vehicles coming from Dalkola. It is further alleged that at about 5.30 am he saw one Tata-407 vehicle coming from Dalkola and after giving indication to stop the vehicle the driver stopped the vehicle. On search from the vehicle 1118.04 liters of illicit liquors were recovered.

Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. Learned counsel submits that the petitioners neither owner nor driver of the vehicle and they have no concern with the alleged seized illicit liquors. It is submitted that the petitioners have remained in custody in connection with the present case since 21.12.2020 and they have otherwise 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 it appears from the submission of learned counsel for the petitioners that the petitioners have remained in custody in connection with the present case since 21.12.2020, investigation against them is complete but the trial is not likely to be concluded in near future, they have otherwise no criminal antecedent and the petitioners are not the owners of the vehicle, 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 Special Judge (Excise), Purnea in connection with Dagarua P.S. Case No.234/2020, 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'.

