

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18605 of 2021**

Arising Out of PS. Case No.-540 Year-2020 Thana- RAJAOLI District- Nawada

1. PINTU KUMAR Son of Vijay Rajak Resident of Village- Lochanpur, Police Station- Kodarma, District- Kodarma (Jharkhand)
2. MD IRFAN Son of Gayasuddin Resident of Village- Ayaj Nagar, Yadodih, P.S.- Tillaiya, District- Kodarma (Jharkhand)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-07-2021 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. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Rajouli P.S. Case No. 540 of 2020 for the offences registered under Section 414 of the Indian Penal Code and Section 30(A) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that as per the prosecution story, total 63.375 litres of English Wine were recovered from a silver colour Centro Car and two persons namely Md. Irfan and Pintu Kumar (the petitioners) apprehended from the place of

occurrence.

Learned counsel for the petitioners submits that the petitioner are innocent and have been falsely implicated in this case. It is further submitted that there is no recovery from the conscious possession of the petitioners. The petitioners are in custody since 18.11.2020 having no criminal antecedent.

Learned APP for the State has though opposed the prayer for bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that there is no recovery from conscious possession of the petitioners, the petitioners were plying vehicle on the direction of the owner of the vehicle, they are only poor driver and cleaner of the seized Centro Car, they earn their livelihood in meagre salary, they are in custody in connection with this case since 18.11.2020, prior to the present case the petitioners had no criminal antecedent, investigation against them is complete, this Court directs release of the petitioners on bail after completion of nine months of custody in this case on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Nawada in connection with Rajouli P.S. Case No. 540 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'.