

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18702 of 2021

Arising Out of PS. Case No.-412 Year-2020 Thana- LALGANJ District- Vaishali

1. NIRANJAN KUMAR S/O JUNKHI SAHNI RESIDENT OF VILLAGE JAFARABAD, P.S-LALGANJ, DISTRICT-VAISHALI.
2. RAKESH KUMAR S/O JANGBAHADUR SAHNI RESIDENT OF VILLAGE JAFARABAD, P.S-LALGANJ, DISTRICT-VAISHALI.
3. SANDEEP KUMAR S/O MAHESH SAHNI RESIDENT OF VILLAGE JAFARABAD, P.S-LALGANJ, DISTRICT-VAISHALI.
4. INDARJEET KUMAR S/O DOMAN SAH RESIDENT OF VILLAGE JAFARABAD, P.S-LALGANJ, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Aditya Narayan Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 17-11-2021 Heard Shri Mrityunjay Kumar learned counsel appearing on behalf of the petitioners, and Shri Aditya Narayan, learned APP Singh appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners seek regular bail in connection with Lalganj P.S. Case No. 412 of 2020 dated 29.12.2020 registered for offences punishable under Sections 420, 467, 468, 471 of the Indian Penal Code and Sections 30(a)(c)(d), 36(1), 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



It has been alleged that the petitioners were taken into custody by the patrolling team of the Lalganj Police Station. It has further been alleged that petitioners were involved in manufacturing illicit liquor and more than 1000 empty bottles, colouring agent, 700 pieces of empty bottles of imperial blue and several corks and sticker bearing Mc Dowell trade marks were recovered.

Learned counsel appearing on behalf of the petitioners submits that nothing has been recovered from the conscious possession of the petitioners and due to reason best known to the police they have been implicated in this case. Learned counsel for the petitioners further submits that petitioners have got no criminal antecedent. Learned counsel for the petitioners further submits that petitioners are languishing in judicial custody since 31.12.2020.

Learned A.P.P., however, opposes the prayer for bail.

Considering the facts and circumstances of the case, it is not a case of recovery from conscious possession of the petitioners and period of custody, I am of the opinion, the petitioners have made a prima facie case of bail.

Let the petitioners, above named, be released on bail subject to the condition that each of the petitioners will furnish



Bank Draft of Rs. 2,00,000/- (Rupees Two Lacs) in favour of Bihar State Legal Services Authority at Patna in Court below which shall be retained by the Court below to see that the petitioners do not involve in any other similar case or any case and if the Bank Draft of aforesaid amount is deposited in manner stated above then the petitioners shall be released forthwith upon furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each, to the satisfaction of learned 2nd Additional District & Session Judge Cum Special Court, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 412 of 2020 dated 29.12.2020 subject to the following conditions:

(i) That one of the bailors of the petitioners shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial. If the petitioners are found involved in similar nature of offences, after their release on bail the trial Court shall take steps to cancel their bail bonds.

(iii) The petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



(iv) If the petitioners temper with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

It is made clear that if the petitioners are involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioners is uniformly good, then the said draft be returned back to the petitioners on such appropriate terms and conditions fixed by the Court below.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

