

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19586 of 2021**

Arising Out of PS. Case No.-382 Year-2020 Thana- VAISHALI District- Vaishali

1. SUBODH KUMAR Son of Ram Babu Singh Resident of Village-Amritpur, P.S.-Vaishali, District-Vaishali.
2. MD. ARMAN Son of Md. Saukat Resident of Village-Gaddepur, P.S.-Paru, District-Muzaffarpur.
3. MD. MURAD Son of Md. Idrish Resident of Village-Sahdullahpur, P.S.-Lalganj, District-Vaishali.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bela Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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

2 13-08-2021 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. Brajendra Nath Padney, learned A.P.P for the State

Petitioners in the present case are seeking regular bail in connection with Vaishali P.S. Case No. 382 of 2020 registered for the offences punishable under Sections 30(a), 33, 34, 36 of Bihar Prohibition and Excise Act. They are in custody since 14.11.2020.

Learned counsel for the petitioners submits that the petitioners were apprehended from a hut and the Police has recovered 988.625 liters of illicit liquor as also the empty bottles and corks.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. The petitioners have no concern with the alleged hut from where the alleged recovery has been made. The petitioners are in custody since 14.11.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case wherein it is the submission on behalf of the petitioners that they have no concern with the hut from which the alleged recovery of 988.625 liters of illicit liquor has been made, they have otherwise no criminal antecedent, they are in custody since 14.11.2020 and investigation against them is complete but the trial is not likely to take place in near future, this Court directs release of the petitioners above named 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 Additional Sessions Judge II-cum-Excise Court, Vaishali in connection with Vaishali P.S. Case No. 382 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

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'.