

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19484 of 2021**

Arising Out of PS. Case No.-562 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. SARWAN KUMAR @ SHARWAN SINGH S/O Late Ramakant Singh
Resident of Bokaro Steel City, Sector -12, P.S. Sector, District Bokaro,
Jharkhand.
 2. MUKESH KUMAR S/o Kartik Ram Resident of Bokaro Steel City, Sector
-12, P.S. Sector, District Bokaro, Jharkhand.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinod Kumar,Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit,APP

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

2 23-07-2021 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. Akshay

Lal Pandit, learned APP for the State.

The petitioners in the present case are seeking regular bail

in connection with Gaya Excise Case No. 562 of 2020 registered for

the offences punishable under Sections 30(a), 56(b) of Bihar

Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioners submits that total 180

liters of illicit liquor has been recovered from a car in which these

two petitioners were sitting.

Learned counsel submits that the petitioners are innocent



and have falsely been implicated in the present case. It is submitted that they have no concern with the allegedly recovered illicit liquor. The petitioners have remained in jail since 30.12.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein the petitioner no. 1 is said to be the driver of the vehicle whereas petitioner no. 2 is cleaner of the vehicle in question, they have got clean antecedent and are in custody in connection with this case since 30.12.2020, 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 of bail bonds 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, Gaya in connection with Excise P.S. Case No. 562 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 one of the bailors would be a local resident within the jurisdiction of the learned court below having sufficient means.

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'.

