

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19526 of 2021**

Arising Out of PS. Case No.-1029 Year-2020 Thana- ARARIA District- Araria

1. NIRANJAN KUMAR YADAV S/O UMESH YADAV @ UMESH KUMAR YADAV R/o village- Kolhua, Ward No. 9, P.S.- Shankarpur, District- Madhepura
2. Shankar Kumar Yadav @ Shankar Kumar S/o Arun Yadav R/o village- Gurja, Ward No. 11, P.S.- Jadia, Distt.- Supaul

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha,Advocate

For the Opposite Party/s : Mr.Arun Kumar,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. Arun Kumar, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Araria (Baragachi) P.S. Case No. 1029 of 2020 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that as per prosecution story, the police party while vehicle checking duty stopped one Tata Sumo Gold car and on search of the said car

total 198 liters of foreign liquor was recovered and two persons were arrested there.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have no concern with the allegedly recovered illicit liquor. The petitioners are in custody since 16.12.2020 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 it is the submission of learned counsel for the petitioners that total 198 liters of illicit liquor is said to have been recovered from Tata Sumo car, the petitioners have remained in custody in connection with this case since 16.12.2020 having no criminal antecedent, 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 Additional Sessions Judge 2nd cum Special Judge (Excise Act), Araria in connection with Araria (Baragachi) P.S. Case No. 1029 of 2020, subject to

the conditions 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.

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'.