

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19463 of 2021**

Arising Out of PS. Case No.-126 Year-2020 Thana- SAHIYARA District- Sitamarhi

1. MUKESH KUMAR Son of Deonarayan Singh Resident of Village - Jalsi, Police Station - Sahiyara, District - Sitamarhi.
2. Jitendra Ram Son of Panchu Ram Resident of Village - Jalsi, Police Station - Sahiyara, District - Sitamarhi.
3. Dilip Kumar Son of Chhatu Ram Resident of Village - Jalsi, Police Station - Sahiyara, District - Sitamarhi.
4. Sudhir Kumar Son of Indrajit Singh Resident of Village - Jalsi, Police Station - Sahiyara, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Ajit Kumar, 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 as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Sahiyara P.S. Case No.126/2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case in short is that the SHO of



Sahiyara P.S. recorded his self-statement alleging therein that in the night of 14.11.2020, he along with police party proceeded for night patrolling. During course of patrolling, he got secret information that the petitioners and co-accused Jai Prakash Singh has procured illicit liquor and were delivering the same to the small traders. It is further alleged that on receiving this information, the police party reached near Mangal Asthan and apprehended the petitioners. On search, 79.5 liters of illicit liquor was recovered.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that no illicit liquor was recovered from the conscious possession of the petitioners and they have no concern with the alleged seized illicit liquor. It is submitted that the petitioners are in custody in connection with this case since 14.11.2020 and they have otherwise no criminal antecedent.

Learned APP for the State is present and 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 from the possession of the petitioners allegedly



79 liters of illicit liquor is said to have been recovered, however, according to him the petitioners have been falsely implicated in this case and the petitioners are languishing in jail since 14.11.2020, they have otherwise no criminal antecedent, investigation against them is complete but the trial is not likely to take place in near future, this Court directs that the petitioners above named be released 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 A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sahiyara P.S. Case No.126/2020, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

(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'.

