

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19500 of 2021**

Arising Out of PS. Case No.-114 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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1. MD. CHAND KHAN S/O LATE MD MOINUDDIN Resident of Dhaharpur, P.S.- Goradih, District- Bhagalpur
 2. MD. NOMAN S/O MD. KAMRUDDIN Resident of Dhaharpur, P.S.- Goradih, District- Bhagalpur

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Sinha,Advocate

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

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

2 24-07-2021 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 Banka Excise Comp. 114 of 2020 registered for the offences punishable under Section 30 (A) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that as per the prosecution story, on secret information the vehicle bearing registration No. OR02BC7147 was checked at Sukhania Pul and during search total 57.375 litres of illegal liquor was recovered from



the said vehicle.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. The petitioners are in custody since 23.12.2020 having no criminal antecedent.

Learned APP for the State has though opposed the prayer for 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 the alleged recovery is not from the conscious possession of petitioners and the petitioners have remained in jail in connection with the present case since 23.12.2020, investigation against them is complete but the trial is not likely to take place in near future. The petitioners have otherwise no criminal antecedent, 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-II, Banka in connection with Excise Comp. 114 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 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'.

