

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20982 of 2021**

Arising Out of PS. Case No.-204 Year-2020 Thana- AURAI District- Muzaffarpur

-
1. CHANDAN KUMAR SON OF BHIKHARI YADAV RESIDENT OF VILLAGE- KATHAUR, P.S. PARSAUNI, DISTRICT- SITAMARHI
 2. AMIT KUMAR SON OF LATE SHIVCHANDRA SAH RESIDENT OF VILLAGE- PARRI, P.S. PUNAURA, DISTRICT- SITAMARHI

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate.

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

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

2 09-07-2021 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. Bharat Lal, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Aurai P.S. Case No. 204 of 2020 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and 30(a), 36, 41(i) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant reached at N.H.77 near Katojha bridge after getting information from higher authorities that the huge amount of illicit liquor is coming from a truck. After reaching there he saw the unloading of said liquor is going on from the said truck.



The informant apprehended the petitioners. The petitioners are said to be the driver of a tempo and pick up van. On search altogether 4824 litres of illicit foreign liquor were recovered from the vehicles.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners are the driver of the tempo and they have no concern with the seized illicit liquor. The petitioners are in custody since 10.10.2020 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, these petitioners are said to be drivers of the tempo who were arrested and thereafter altogether 1125 litres of illicit liquor were recovered from the said vehicles, the petitioners who have otherwise no criminal antecedent have remained in jail in connection with this case for over eight months, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Muzaffarpur in connection with Aurai P.S. Case No. 204 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 they are 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)

SUSHMA2/Sonali/-

U		T	
---	--	---	--

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'.

