

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22711 of 2021**

Arising Out of PS. Case No.-350 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

1. RISHI RAJ Son of Sher Bahadur Rai Resident of Village- Muradpur Kashi, P.S.- Bochahan, District- Muzaffarpur.
2. Pratyush Kumar Son of Harendra Kumar Resident of Village- Minapur, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur,Advocate

For the Opposite Party/s : Ms.Sangeeta Singh,APP

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

2 17-08-2021 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 Ms. Sangeeta Sharma, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Bochahan P.S. Case No. 350 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 33, 34, 36 of Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that as per the prosecution story, the informant on secret information that one car and one pickup van loaded with illicit liquor are going

towards Sanathi, along with other police personnel reached the alleged place of the occurrence and on seeing police party five accused persons started fleeing away but on chase they were apprehended including these petitioners and on search of the said two vehicles total 558 liters of illicit liquor was recovered.

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. It is further submitted that the co-accused have been granted bail. The petitioners are in custody since 26.12.2020 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 558 liters of illicit liquor is said to have been recovered from two vehicles, the petitioners are named amongst the co-accused who were seen fleeing away. The co-accused Manoj Rai and Ranjeet Kumar have been granted bail in Cri. Misc. No. 23890 of 2021 and Cri. Misc. No. 23903 of 2021 respectively, the petitioners have no criminal antecedent, they have remained in custody in connection with this case for

about 8 months, 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 Act, Muzaffarpur in connection with Bochahan P.S. Case No. 350 of 2020.

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'.