

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.22572 of 2021**

Arising Out of PS. Case No.-28 Year-2021 Thana- SABAUR District- Bhagalpur

1. PANKAJ KUMAR @ DHARMDEV SAH S/O ANIL SAH R/o village-Madhura, P.S.- Sour Bazar, District- Saharsa
2. GOPAL KUMAR S/O YOGI YADAV R/o village- Madhura, P.S.- Sour Bazar, District- Saharsa
3. ANGAD MALAKAR S/O LATE SHANICHAR MALAKAR R/o village-Madhura, P.S.- Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Mishra, Adv.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

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

2      16-08-2021                      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 Sabour P.S. Case No.28/2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story on 19.01.2021 at about 16.05 hours police got information that one white colour Scorpio and a green colour pickup van loaded with illicit liquor were

coming from Jharkhand. On receiving this information, the informant reached at the N.H.80 and started checking of vehicle. It is alleged that after some time he saw that one white colour Scorpio and a green colour pickup van were coming from Kahalgaon side. It is also alleged that on seeing the police party 4 to 5 persons from the said vehicles got down and tried to flee away but on chase they were apprehended. It is further alleged when the said vehicles were searched total 18 liters of illicit liquor from the white colour Scorpio and total 135 liters of illicit liquor from the green colour pickup van were recovered.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioners. It is submitted that the petitioners are in custody in connection with this case since 20.01.2021 having 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 18 liters of illicit liquor has been recovered from one white colour Scorpio from which the petitioners were alleged to have been arrested, the petitioners are in custody in connection with this case since 20.01.2021, 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 2<sup>nd</sup> Additional District and Sessions Judge-cum-Special Judge, Excise, Bhagalpur in connection with Sabour P.S. Case No.28/2021, subject to the condition 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.

**(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'.