

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23713 of 2021**

Arising Out of PS. Case No.-203 Year-2020 Thana- MAJORGANJ District- Sitamarhi

1. VIKASH KUMAR @ VIKASH KUMAR SINGH S/O ASHOK SINGH R/o village- Madhopur, P.S.- Majorganj, District- Sitamarhi
2. Sonu Kumar S/o Ram Babu Paswan R/o village- Madhopur, P.S.- Majorganj, District- Sitamarhi
3. Ranjit Kumar S/o Nagendra Ram R/o village- Kuaari Madan @ Kuadi Madan, P.S.- Majorganj, District- Sitamarhi
4. Bittu Kumar @ Bitu Kumar S/o Dilip Singh R/o village- Kuaari Madan @ Kuadi Madan, P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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

2 21-09-2021 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 Majorganj P.S. Case No.203/2020 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 Majorganj P.S. submitted a written report alleging therein that

on 17.12.2020 he along with police party was on night patrolling. At about 4.00 am he got secret information that the FIR named accused had kept illicit liquor in a bamboo clamp in Madhopur and are present there. On that information the police party reached there and saw that five to six persons were standing there. It is alleged that on seeing the police party all the persons started fleeing away but on chase they were apprehended. Thereafter police recovered 270 liters of Nepali Saufi Wine.

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 19.12.2020 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 it is the submission of learned counsel for the petitioners that the alleged recovery of 270 liters of liquor has been made from a bamboo clamp and the vehicle which has been seized does not belong to the petitioners and the petitioners

have got no criminal antecedent, they have remained in custody in connection with this case since 19.12.2020, 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, Sitmarhi in connection with Majorganj P.S. Case No.203/2020, 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'.