

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27686 of 2021

Arising Out of PS. Case No.-305 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

1. DHARMU BIND Son of Vakil Bind Resident of Village Sariaon, P.S. Durgawati District Kaimur at Bhabua.
2. TULSI KUMAR @ TULSI BIND Son of Vakil Bind Resident of Village Sariaon, P.S. Durgawati District Kaimur at Bhabua.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-10-2021 Heard learned counsel for the petitioners and Mr. Tarun Prasad Mandal, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Durgawati P.S. Case No. 305 of 2020 registered for the offence punishable under Sections 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. They are in custody since 14.12.2020. The petitioners have otherwise got no criminal antecedent.

As per the prosecution story, the informant on a secret information reached at the house of the petitioners then one Santro Car bearing Registration No. BR24E-2152 came there



which was intercepted by the police force. These two petitioners were found sitting in the said car and when the car was searched, total 77.20 litres illicit liquor was recovered.

Learned counsel for the petitioner 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 and they are in custody since 14.12.2020.

Mr. Tarun Prasad Mandal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein total 77.20 liters illicit liquor has been recovered from the Santro Car, further that the petitioners are in custody in connection with this case since 14.12.2020 and they have otherwise got no criminal antecedent, this Court directs release of the petitioners above named 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 Additional Sessions Judge-II-Special Judge, Excise, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 305 of 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.

This applications stands disposed of accordingly.

(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'.

