

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27700 of 2021**

Arising Out of PS. Case No.-66 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. SANJEET KUMAR Son of Kedar Choudhary Resident of Village - Morvan @ Ajij Nagar, P.S. - Sakra, District - Muzaffarpur, Bihar, PIN-843105.
 2. NITESH KUMAR Son of Balkeshwar Rai Resident of Village - Susta Dharampur, P.S. - Sakra, District - Muzaffarpur, BIHAR, PIN - 843105.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Pradip Narain Kumar, APP

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

2 05-10-2021 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 Mr. Pradip Narain Kumar, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Excise P.S. Case No.66/2021 registered for the offences punishable under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act, 2016. They are in custody since 20.02.2021. The petitioners have got no criminal antecedent as stated in paragraph '3' of this application.

The prosecution case in brief is that on 20.02.2021 the



informant along with other armed forces were on vehicle checking duty and during checking they intercepted one Mahindra pickup van bearing Reg.No.BR01GJ-9832. It is alleged that on search 510.480 liters of illicit liquor were recovered from the vehicle in question.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case merely on suspicion. Learned counsel submits that nothing incriminating 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 20.02.2021 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 the illicit liquors are said to have been recovered from a vehicle, the petitioners have got no criminal antecedent as stated in paragraph '3' and they have remained in custody for about eight months, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gaya in connection with Excise P.S. Case No.66 of 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'.

