

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27817 of 2021**

Arising Out of PS. Case No.-725 Year-2020 Thana- SITAMARHI District- Sitamarhi

1. AMAR KUMAR Son of Sitaram Resident of Village - Mohanpur, ward No.8, P.S.- Sitamarhi, Dist.- Sitamarhi, Distt.- Bihar.
2. Jaishankar Kumar S/o Ram Ujagar Rai Resident of Village - Tandaspur, P.S.- Bathnaha, Dist.t- Sitamarhi, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-10-2021 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. Awadhesh Kumar Singh, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Sitamarhi P.S. Case No.725/2020 registered for the offences punishable under Sections 414, 420 and 120(B) of the Indian Penal Code and Sections 30(a), 26 and 41(i) of the Bihar Prohibition and Excise Act, 2016. They are in custody since 25.12.2020. The petitioners have got no criminal antecedent.



Learned counsel for the petitioners submits that, as per the prosecution story, 36 liters of illicit liquor were recovered from the possession of the petitioners.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. 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 25.12.2020 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 alleged that from both the petitioners there is a recovery of 36 liters of illicit liquor, the petitioners have got no criminal antecedent and they are in custody since 25.12.2020, investigation against them is complete but the trial is not likely to be concluded 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 District & Sessions Judge-II-cum-Special Judge, Excise, Sitamarhi in connection with Sitamarhi P.S. Case



No.725/2020, 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'.

