

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28408 of 2021**

Arising Out of PS. Case No.-427 Year-2020 Thana- BYPASS District- Patna

1. PAPPU KEWAT @ PAPPU SAHNI Son of Late Bhagwan Das Kewat Resident of Village - Shitalgarh, P.S.- Paras Bigha, Distt.- Jehanabad. At Present resident of Village - Naichak, P.S.- Gopaglpur, Dist.- Patna.
2. RAVI KUMAR Son of Raju Singh Resident of Village - Barh, Kondi, P.S.- Pandarak, Distt.- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

2 22-10-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Special Case No. 7264 of 2020 arising out of Bye-Pass P.S. Case No. 427 of 2020 registered for the offences punishable under Sections 414, 420 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. The petitioners are in custody since 14.12.2020. The petitioner no. 1 has two criminal



antecedents whereas petitioner no. 2 has no criminal antecedent.

As per the prosecution story, the informant along with other police personnel while on patrolling duty received a secret information that a tempo loaded with illicit liquor is coming from toll plaza side. On vehicle checking, total 250 liters of illicit liquor was recovered from the tempo and these petitioners were arrested from the tempo.

Learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. It is further submitted that the petitioners have no concern with the seized liquor and no independent witness has signed the seizure list.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein submission of learned counsel for the petitioners that there is no independent witness to the seizure of 250 liters of illicit liquors from the tempo from which the petitioners are said to have been apprehended, they are in custody since 14.12.2020 and investigation against them is complete, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five



Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Special Case No. 7264 of 2020 arising out of Bye-Pass P.S. Case No. 427 of 2020, subject to the conditions 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

