

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL MISCELLANEOUS No.30949 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- SIMRI District- Buxar

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1. Sunil Pandey, Son of Late Shiv Shankar Pandey, R/O Village- Simri Dudhipatti, P.S.- Simri, District- Buxar.
 2. Ankit Kumar Pandey, Son of Sunil Pandey, R/O Village- Simri Dudhipatti, P.S.- Simri, District- Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, A.P.P.

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

2 26-07-2021 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. Dinesh Singh, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Simri P.S. Case No. 21 of 2021 registered for the offence punishable under Section 30 (a) of Bihar Excise Prohibition and Amendment Act, 2016.

This case has been mentioned on the ground that the wife of petitioner no. 1 and the mother of petitioner no. 2 is seriously ill, she is hospitalized and is not recovering from the infection, she requires immediate attention of her family member.

Learned counsel for the petitioner submits that as per

the prosecution story altogether 92 litres and 145 Ml english liquor has been recovered from the house of the petitioners. Learned counsel submits that the recovery is from the old thatched house in which the family is not residing. The petitioners have been arrested from the house where they are presently residing, the petitioners have remained in custody in connection with this case on 17.01.2021, they have otherwise no criminal antecedent and in the present case investigation is complete but the trial is not likely to take place in near future.

Mr. Dinesh Singh, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioners.

Considering the facts and circumstances of the case wherein the petitioners have remained in custody for over six months and investigation against them is complete, 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 A.D.J.II-cum-Special Judge, Excise, Buxar in connection with Simri P.S. Case No. 21 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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'.