

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.317 of 2021

Arising Out of PS. Case No.-213 Year-2020 Thana- JAGDISHPUR District- Bhojpur

1. NIRAJ KUMAR S/o Sudesh Kumar R/o- Vill- Lineper Vikash Nagar Gali No.06, H/No.- 703/01, P.S.- Lineper (Bahadurgherh), Dist- Jhajhar (Hariyana)
2. AJAY KUMAR S/o Sri Om Prakesh @ Om Prakesh Singh R/o- Vill- Ashok Nagar, H/ No.-25/470 P.S.- Lineper (Bahadurgherh), Dist- Jhajhar (Hariyana)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Md. Sufiyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-03-2021 Learned counsel for the petitioner 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. Md. Sufiyan, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Excise Case No. 1134 of 2020 arising out of Jagdishpur P.S. Case No. 213 of 2020 registered for the offence under Section 30(a) of Bihar Excise Act.

Learned counsel for the petitioners submits that as per the prosecution story the informant got secret information regarding transportation of illicit liquor through a Pick-up van. The informant started checking the vehicle and on seeing the Police checking one



Pick-up van tried to escape but the same rolled over. The driver and Khalashi were apprehended and recovered illicit liquor from the vehicle.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners are driver and Khalashi and were not knowing about the contents loaded on the vehicle. They were simply obeying the order of the owner of the vehicle. The petitioners are in custody since 23.08.2020.

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 that the liquor has been recovered from the Pick-up van, the petitioner no. 1 is said to be driver and the petitioner no. 2 is Kalashi of the said Van and it is their case that they were directed by the owner of the vehicle to take the vehicle to a particular place and they had no knowledge about the illicit liquor concealed in the vehicle, they are in jail since 23.08.2020 and prior to the present cases they have no criminal antecedent, let the petitioners above named be released on bail on furnishing of 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.IV-cum-Special Judge, Excise, Bhojpur at Ara in connection with Excise Case No. 1134 of 2020 arising out of Jagdishpur P.S. Case No. 213 of 2020,



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'.

