

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.351 of 2021

Arising Out of PS. Case No.-187 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

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1. DHIRAJ KUMAR S/o Late Nageshwar Sah R/o Village-Madhuban, P.S-Madhuban, District-East Champaran.
 2. Pramod Kumar Pandit @ Pramod Pandit S/o Manthur Pandit R/o Village-Madhuban, P.S-Madhuban, District-East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-03-2021 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. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Dumariaghat P.S. Case No. 187 of 2020 registered for the offence under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that as per the prosecution story, while the informant was involved in checking of vehicles intercepted a Bolero vehicle and apprehended Dhiraj Kumar and Pramod Pandit. It is alleged that from the



vehicle 161.28 litres of illicit liquor has been recovered.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that nothing has been recovered from the conscious possession of the petitioners. The seizure list is not in accordance with law. The petitioners are in custody since 23.09.2020 having no criminal antecedent.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that they are innocent and nothing has been recovered from their conscious possession as also that the petitioners have remained in custody in connection with the present case for almost six months and prior to this case they had no criminal antecedent, let the petitioner 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 Additional Sessions Judge 13th -cum-Incharge Special Judge, Excise, East Champaran at Motihari in connection with Dumariaghat P.S. Case No. 187 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)

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'.

