

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39175 of 2020**

Arising Out of PS. Case No.-268 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. VIVEK KUMAR YADAV @ VIVEKANAND YADAV SON OF PRITHVI CHAND BHAGAT RESIDENT OF VILLAGE- ADHARPUR,P.S.- MUFFASIL, DISTRICT- SAMASTIPUR
 2. ABHISHEK KUMAR SON OF VIVEK KUMAR YADAV RESIDENT OF VILLAGE- ADHARPUR, P.S.- MUFFASIL, DISTRICT- SAMASTIPUR.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

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

2 12-02-2021 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 this Court.

Heard learned counsel for the petitioners and Ms. Dr. Indihar Kumari, learned A.P.P. for the State.

The petitioners in the present case are seeking regular bail in connection with Muffasil P.S. Case No. 268 of 2020 registered for the offences punishable under Sections 30(a), 32(2),41(1) of the Bihar Prohibition & Excise Amendment Act, 2016.

Learned counsel for the petitioners submits that as per the prosecution story, the Police raided the given place and



apprehended the petitioners and one co-accused managed to escape and recovered huge quantity of illicit liquor from a house which is in dilapidated condition and also from a truck on the disclosure made by the apprehended persons.

Learned counsel submits that the petitioners have been falsely implicated in this case. They are in judicial custody since 28.06.2020 and prior to the present case they had no criminal antecedent.

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 the petitioners have remained in jail since 28.06.2020 in connection with the present case, prior to the present case they had no criminal antecedent, investigation against them is complete and there is no submission on behalf of the State that their release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let 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 A.D.J. 2nd -cum-Special Judge, Excise Act, Samastipur in connection with Samastipur P.S. Case No. 268 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.

The application stands disposed of accordingly.

(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'.

