

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.223 of 2021

Arising Out of PS. Case No.-423 Year-2020 Thana- TURKAULIYA District- East
Champaran

-
1. TABREJ ALAM Son of Sheikh Jahangir Resident of Village - Sisbaniya,
P.S.- Banjariya, District - East Champaran.
 2. Amit Kumar Son of Binod Ram @ Vinod Ram Resident of Village -
Babutola Banjariya, P.S.- Banjariya, District - East Champaran.
 3. Dipak Kumar Son of Sunil Kumar Verma Resident of Village - Chandrapur,
P.S.- Bihta, District - Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-02-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners, in the present case, are seeking regular bail in connection with Turkauliya (Banjariya) P.S. Case No. 423 of 2020 registered for the offence under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story on the basis of secret information, the informant who is a police officer of the Banjariya Police Station raided the lodge of co-accused Ravi Kumar from where a total of 3023.65 liters of foreign liquor was recovered.

Learned counsel submits that the petitioners are



innocent and have been falsely implicated in this case. Learned counsel further submits that nothing has been recovered from the conscious possession of these petitioners rather the recovery was made from the lodge of the co-accused Ravi Kumar. It is submitted that the petitioners have got no criminal antecedent and are in custody since 04.07.2020.

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 the learned counsel for the petitioners that the alleged illicit liquor has been recovered from the lodge of co-accused Ravi Kumar and not from these petitioners, the petitioners have no criminal antecedent and they are in custody since 04.07.2020, investigation against them is complete, 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 7th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 423 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 antecedents of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bond 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.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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'.

