

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39097 of 2020

Arising Out of PS. Case No.-126 Year-2020 Thana- PHULWARIA District- Begusarai

1. VIKRAM KUMAR Son of Rakesh Chaudhary Resident of Village- Shokahara- 01, Ward No. 06, P.O.- Barauni, P.S.- Fulwariya, District- Begusarai.
2. Guddu Kumar Son of Nepo Chaudhary Resident of Village- Shokahara- 01, Ward No. 06, P.O.- Barauni, P.S.- Fulwariya, District- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-02-2021 Heard learned counsel for the petitioners and Mr. Atul Chandra, learned A.P.P. for the State.

The petitioners in the present case are seeking regular bail in connection with Fulwaria P.S. Case No. 126 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that there is no recovery of illicit liquor from the conscious possession of the petitioners rather the recovery was made from the joint house. It is submitted that the petitioners have no criminal antecedent and they are in judicial



custody since 23.09.2020.

Mr. Atul Chandra, learned A.P.P. for the state is present and 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 23.09.2020, investigation against them is complete and they have otherwise no criminal antecedent, there being no submission on behalf of the State that release of the petitioners may in any way interfere with the course of trial, 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 Additional District Judge 2nd-cum-Special Judge, Excise Act, Begusarai in connection with Fulwaria P.S. Case No. 126 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.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(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'.

