

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2834 of 2021

Arising Out of PS. Case No.-223 Year-2020 Thana- DAUDPUR District- Saran

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1. Arun Kumar Rai Son of Jhulan Rai Resident of Village - Bindalal ke Rampur Mathiya, P.S.- Ekma, District - Saran.
 2. Kanhaiya Rai Son of Lal Bihari Rai Resident of Village - Bindalal ke Rampur Mathiya, P.S.- Ekma, District - Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar,Advocate
For the Opposite Party/s : Mr.Khurshid Anwar,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-03-2021 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 the Court

Heard learned counsel for the petitioners and Mr. Khurshid Anwar, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Daudpur P.S. Case No. 223 of 2020 registered for the offences punishable under Sections 272, 273, 34, 279 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Amendment Act 2016.

Learned counsel for the petitioners submits that the informant while was on patrolling duty spotted a white colour car which was escaping on seeing the police, the police chased the vehicle and caught the car. It is alleged that from the car two persons



namely Arun Kumar and Kanhaiya Lal were apprehended and from the dickey of the car 450 liters of country-made wine were recovered.

Learned counsel submits that the petitioners have no concern with the alleged seized wine and they are not the owner of the said car. It is submitted that petitioners are in custody since 24.09.2020 having no criminal antecedent.

Learned APP 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 the petitioners have no concern with the alleged illicit liquor or with the car from which the liquors have been recovered and that the petitioners were arrested only because they were found sitting in the said car, they had, however, remained in jail in connection with the present case since 24.09.2020, investigation against them is complete and prior to the present case they had no criminal antecedent, let the petitioners above named be released on bail on furnishing bail bonds 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, Saran at Chapra in connection with Daudpur P.S. Case No. 223 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 allowed.

(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'.

