

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39136 of 2020

Arising Out of PS. Case No.-54 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

-
1. Rohit Kumar, Son of Sri Surendra Choudhary, Resident of Village - Baratpur Kothia, Ward No - 4, Police Station - Didarganj, District - Patna
 2. Roshan Kumar, Son of Sri Kamta Rai, Resident Of Village/ Mohalla - Ram Bagh, Ward No - 14, Police Station - Didarganj, District - Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-02-2021 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. Binod Kumar, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Special Case No. 5160 of 2020 arising out of P.R. (Didarganj) P.S. Case No. 54 of 2020 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioners submits that the Excise Officials on secret information intercepted a Tempo and



seized 150 litres of toddy. It is alleged that the petitioners were found inside the Tempo.

Learned counsel submits that nothing has been recovered from the conscious possession of the petitioners. The petitioners are in custody since 04.09.2020 having 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 04.09.2020, they have no criminal antecedent and investigation against them is complete, there being no submission of the State that release of the petitioners is in any way likely to result in tampering with the evidence or interfering 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 Special Judge, Excise, Patna in connection with Special Case No. 5160 of 2020 arising out of P.R. (Didarganj) P.S. Case No. 54 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/-

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'.

