

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3504 of 2021**

Arising Out of PS. Case No.-291 Year-2019 Thana- LAKHNAUR District- Madhubani

1. Shankar Thakur @ Bablu Thakur, Son Of Late Rajeshwar Thakur @ Late Raje Thakur, Resident Of Village - Mahuli, P.S. - Lakhnaur, District - Madhubani
2. Anand Kumar Jha @ Bishwadeo Anand @ Vishwadev Anand, Son Of Late Madan Kumar Jha @ Late Madan Jha, Resident Of Village - Madhura, Ward No. 14, P.S. - Lakhnaur (R.S. O.P.), District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar Ray, S.H.O., P.S. - Lakhnaur, District - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan, Adv.
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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

2 08-04-2021 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 learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Lakhnaur P.S. Case No.291 of 2019 registered for the offences punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



Learned counsel for the petitioners submits that there is recovery of 152.250 liters of foreign liquor from the house of the petitioners which is a joint family property. Learned counsel submits that there is no recovery from the conscious possession of the petitioners.

Learned counsel for the petitioners submits that in fact this petitioners have been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr.Misc.No.87286 of 2019 vide order dated 18.02.2020 but because of the lockdown which was imposed immediately after the said order, the petitioners could not surrender within the prescribed period of six weeks as a result whereof the petitioners were arrested in connection with the present case and they are now in jail since 05.10.2020. It is submitted that they have otherwise no criminal antecedent.

Learned APP 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 learned counsel for the petitioners submits that in fact these petitioners had been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr.Misc.No.87286 of 2019 vide order dated 18.02.2020 but



because of the lockdown which was imposed immediately after the said order, the petitioners could not surrender within the prescribed period of six weeks as a result whereof the petitioners were arrested in connection with the present case and they are now in jail since 05.10.2020, they have otherwise no criminal antecedent, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Lakhnaur P.S. Case No.291 of 2019, 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)

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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'.

