

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.213 of 2021

Arising Out of PS. Case No.-351 Year-2020 Thana- JOKIHAT District- Araria

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HASEEB, Son of Hazi Mustaque @ Mustaque Alam, Resident of Village-
Matiyari, P.S.- Jokihat, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 268 of 2021

Arising Out of PS. Case No.-351 Year-2020 Thana- JOKIHAT District- Araria

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SAHDAB @ SADAB, S/o Masood, R/o Village- Matiyari, P.S.- Jokihat,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 213 of 2021)

For the Petitioner/s : Mr.Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr.Binod Kumar No.3, APP

(In CRIMINAL MISCELLANEOUS No. 268 of 2021)

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-02-2021 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 learned

A.P.P. for the State.

Petitioners in the present case are seeking regular bail



in connection with Jokihat P.S. Case No.351 of 2020 corresponding to Special Case No.777 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 been falsely implicated in the case merely on suspicion. Learned counsel submits that nothing incriminating has been recovered from the conscious possession of the petitioners, rather the recovery was made from the newly constructed house of one Hazi Mustaque. It is submitted that the petitioners are in jail since 22.09.2020.

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 the allegations against the petitioners are that they were indulged in selling of Corex cough syrup illegally and 89 bottles of the cough syrup have been recovered from their possession, the submission being that these petitioners are in custody since 22.09.2020 and so far as petitioner of Cr.Misc.No.213 of 2021 is concerned, he has got one criminal antecedent but he is on bail in the said case registered under Sections 323, 341, 307, 540 and 506/34 of the Indian Penal



Code, there being no submission that the release of the petitioners at this stage is 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 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 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Jokihat P.S. Case No.351 of 2020 corresponding to Special Case No.777 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)

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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'.

