

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3447 of 2021**

Arising Out of PS. Case No.-265 Year-2020 Thana- DINARA District- Rohtas

1. SAROJ SINGH Son of Late Daroga Singh Resident of Village - Dhaudaha, P.s.- Sasaram Town, Distt.- Rohtas at Sasaram.
2. Munshi Kumhar Son of Late Ramraj Kumar Resident of Village - Dhaudaha, P.s.- Sasaram Town, Distt.- Rohtas at Sasaram.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

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

2 09-04-2021 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 Dinara P.S. Case No. 265 of 2020 registered for the offences punishable under Sections 30(a)/33/36 of the Bihar Prohibition & Excise Act, 2018.

As per the prosecution story, the informant got a secret information that Ajit Patel is engaged in manufacturing english wine at his newly constructed house along with other associates. He along with the police personnel rushed to the



place and searched the house and found seven persons were present there and they disclosed their identity. The informant further alleged that from the white colour Bolero vehicle which was parked in garage, 111.96 liters of Royal Secret and Crazy Romeo Whisky which were kept in different 622 bottles, besides that two blue gallon consisting with 35 liters spirit and 900 empty bottles in two white bags inside the underground of a room, were recovered.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. Learned counsel submits that on the basis of confessional statement of the co-accused the name of the petitioners have transpired in the present case and the petitioners are languishing in jail since 04.09.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Having regard to the submissions of learned counsel for the petitioners that the Bolero vehicle has been seized from the house of co-accused Ajit Patel and the same has been found in the name of one Shashi Kant Rai, so far as these petitioners are concerned, they have been falsely implicated in this case and further submission that they have remained in jail for over six



months and they have otherwise no criminal antecedent, let the petitioner 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 & Sessions Judge – IInd – cum – Special Judge, Excise Act, Rohtas at Sasaram, in connection with Dinara P.S. Case No. 265 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.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

