

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7186 of 2021**

Arising Out of PS. Case No.-251 Year-2020 Thana- PIPRA District- East Champaran

1. HARIOM SINGH Son of Rajendra Singh Resident of Village- Gandhara, P.S.- Sapla, District- Rohtak (Haryana).
2. Ravindra Son of Om Prakash Resident of Village- Kultana, P.S.- Sapla, District- Rohtak (Haryana).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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

4 02-08-2021 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. Akshay Lal Pandit, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Pipra P.S. Case No. 251 of 2020 for the offences registered under Sections 272, 273, 120(B) of the Indian Penal Code & 30(A), 36, 41(1) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that as per the prosecution story, altogether 4244 litres I.M.F were recovered from the oil tanker bearing Reg. No. HR-38T-2447 and three person including the petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that these petitioners are only driver and cleaner of the vehicle and poor employee of the owner of the vehicle in question. The petitioners are in custody since 16.7.2020 having no criminal antecedent.

Learned APP for the State has though opposed the prayer for bail of the petitioners.

Having regard to the facts and circumstances of the case wherein these two petitioners are said to be driver and cleaner of the vehicle in question from which the illicit liquor have been recovered, they are ready to provide one local bailor and they have remained in custody for over one year, they have otherwise no criminal antecedent, investigation against them is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner on bail above-named on furnishing of 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 7th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari in connection with Pipra P.S. Case No. 251 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 petitioner. 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.

And further condition that one of the bailors would be a local person residing in the jurisdiction of the learned court below having sufficient means.

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'.