

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5515 of 2021**

Arising Out of PS. Case No.-133 Year-2020 Thana- SANOKHAR District- Bhagalpur

1. Pawan Kumar Sah S/o Late Sahdeo Sah Resident of Vill.- Azagama, P.S.- Kharik and District- Bhagalpur
2. Raj Kapoor Mandal S/o Late Radhakant Mandal Resident of Vill.- Simrda, P.S.- Muffasil, Distt.- Godda.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-04-2021 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 Sanokhar (Amardanda) P.S. Case No. 133 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 as per the prosecution story, the informant, on a secret information has arrested the petitioners with jugar gadi loaded with bhusha in which 995 bottles of country-made liquor were concealed.



Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioners and they are in custody since 14.10.2020 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 and the submissions of the learned counsel for the petitioners that the recovery of illicit liquor is not from the conscious possession of the petitioners and the petitioners have remained in jail in connection with the present case since 14.10.2020, investigation against them is complete and at this stage there is no submission on behalf of the State that release of the petitioners 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 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 Sessions Judge-cum-Special Excise Judge, Bhagalpur in connection with Sanokhar (Amardanda) P.S. Case No. 133 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 of accordingly.

(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'.

