

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5575 of 2021**

Arising Out of PS. Case No.-248 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. JODHAN KUMAR SAHU Son of Sri Raghu Sahu R/o Village- Badhar, P.S.- Chatra, District- Chatra (Jharkhand).
 2. Md. Abdul Kalam Son of Md. Ayub R/o Village- Badhar, P.S.- Chatra, District- Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.S. Jamil Akhtar, Adv.
For the Opposite Party/s : Ms. Rina Sinha, 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 Excise Case No.248/2020 (C.I.S. 248/20) I.A. 1/2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, while the informant was on patrolling duty, intercepted a 407 pick-up van and recovered huge quantity of illicit liquor from the vehicle and the petitioners were apprehended from the vehicle as driver and khalasi of the vehicle.



Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Learned counsel submits that there is no recovery of illicit liquor from the conscious possession of the petitioners. It is submitted that the petitioners are in custody since 21.06.2020 and prior to the present case they had 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 the petitioners have remained in jail in connection with this case since 21.06.2020, investigation against them is complete, prior to the present case they had no criminal antecedent and further incarceration of the petitioners is not likely to come in aid of the investigation or the prosecution, 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 A.D.J.-II-cum-Special Judge, Excise, Gaya in connection with Excise Case No.248/2020 (C.I.S. 248/20) I.A. 1/2020, 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'.

