

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7143 of 2021**

Arising Out of PS. Case No.-221 Year-2020 Thana- DIDARGANJ District- Patna

1. GOVIND KUMAR Son of Kedar Prasad Resident of Village- Akbarpur, P.S.- Barh, Distt- Patna.
2. Mantu Kumar Son of Umesh Mishtri Resident of Village- Rajapur Akauna, P.S.- Nardiganj, Distt- Nalanda.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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

2 28-04-2021

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. Narendra Kumar Singh, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Special Case No. 6091 of 2020 arising out of Didarganj P.S. Case No. 221 of 2020 registered for the offences punishable under Sections 30(a)/36 of Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that as per the prosecution story, S.I. of Dildarganj Police Station on secret information reached the alleged place of occurrence, where an Indica car coming from Mahuli Roadside tried to flee away on seeing the police. It is further submitted that on chase police caught the vehicle and apprehended two persons sitting in the car. It is alleged that total 81 liters of illicit liquor was recovered



from the said car.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have no concern with the alleged illicit liquor. The petitioner is in custody in connection with the present case since 14.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioners have remained in jail in connection with the present case since 14.10.2020, investigation against them is complete, prior to the present case, they had no criminal antecedent as stated in paragraph '3' of the application, this Court directs release of the petitioners above named on bail 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 Special Judge Excise Act, Patna, in connection with Special Case No. 6091 of 2020 arising out of Dildarganj P.S. Case No. 221 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 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.

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'.

