

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7203 of 2021**

Arising Out of PS. Case No.-617 Year-2020 Thana- BARACHATTI District- Gaya

1. PARMANAND KUMAR S/o Late Mahesh Prasad Resident of Village- Banarsi Bigha, P.S.- Islampur, Distt- Nalanda.
2. KAMALUDDIN KHAN S/o Mohinuddin Khan Mahendra Resident of Village- Mahendra, P.S.- Karimuddinpur, Distt- Ghazipur, Uttarpradesh.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Anuj Kumar Srivastava,APP

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

2 29-04-2021 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. Anuj Kumar Srivastava, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Barachatti P.S. Case No. 617 of 2020 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that as per the written statement of Nawal Kishore Yadav, who is an SI of Barachatti P.S. on 07.10.2020, he along with other police personnel was engaged in vehicle checking at Dobhi Tole Plaza and on suspicion stopped one Tata Pickup vehicle from which three persons were



caught by the police and total 117 liters of illicit liquor was recovered from the Tata vehicle.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that investigation against the petitioners is complete. The petitioners are in custody in connection with the present case since 09.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein the allegation is that 117 liters of illicit liquor has been recovered from the vehicle which belonged to the petitioner no. 1, Petitioner no. 2 is said to be the driver of the vehicle, both of them have remained in jail in connection with the present case since 09.10.2020, 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 investigation or the prosecution, let the petitioners above named be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Gaya, in connection with Barachatti P.S. Case No. 617 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'.

