

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7214 of 2021**

Arising Out of PS. Case No.-604 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. RAVINDRA KUMAR S/o Gauri Shankar R/o village- Chhit Bhagwatipur,
P.S.- Ahiyapur, District- Muzaffarpur
 2. RANJAN KUMAR @ RAJAN KUMAR S/o Nanhki Shani @ Nanki Sahani
R/o village- Chhit Bhagwatipur, P.S.- Ahiyapur, District- Muzaffarpur
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur,Advocate
For the Opposite Party/s : Mr.Md.Fahimuddin,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. Md. Fahimuddin, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Town P.S. Case No. 604 of 2020 registered for the offences punishable under Sections 272, 273, 414 & 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that as per the prosecution story, the S.I. of Town Police Station on secret information that Ashok Sahani with his associates was carrying illicit liquor reached at the alleged place of occurrence and apprehended six accused persons including these petitioners with three motorcycles and recovered 110



liters of illicit liquor.

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 30.09.2020 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 it is alleged that these petitioners were acting as carrier and 40 liters of country-made liquors were recovered from the possession of the petitioners, the petitioners have got no criminal antecedent and in connection with the present case they have remained in jail since 30.09.2020, investigation against them is complete and their further incarceration is not likely to come in aid of the investigation or the prosecution, there being no submission on behalf of the State that their release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioners above named 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 Special Judge, Excise Act, Muzaffarpur, in connection with Town P.S. Case No. 604 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'

