

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7066 of 2021**

Arising Out of PS. Case No.-228 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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1. DILIP RAM SON OF RAMCHANDRA RAM R/O VILLAGE- LOMA,
P.S.- SAHARGHAT, DISTRICT- MADHUBANI
 2. BITU RAM SON OF INDRA KUMAR RAM R/O VILLAGE- BAINGRA,
P.S.- SAHARGHAT, DISTRICT - MADHUBANI
- Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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

2 17-04-2021 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 G.O. No. 228 of 2020 registered for the offences

punishable under Sections 30(a) and 32(3) of Bihar Prohibition

and Excise Act.

Learned counsel for the petitioners submits that as per

the prosecution story, the informant on secret information reached

Fulhar Manoharpur Road and searched the magic van from which

a total of 837 litres illicit nepali country made liquor had been



recovered.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that the recovery had been made from two motorcycles and the petitioners have no concern with the recovered liquor. Learned counsel submits that the petitioners have got no criminal antecedent and they are in custody since 12.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein the petitioners have remained in jail for more than five months in connection with the present case, they have otherwise no criminal antecedent and the alleged recovery is said to have been made from two motorcycles, considering that for the present there is no need of further incarceration of petitioners in jail, 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-II-cum-Special Judge, Excise Act, Madhubani in connection with G.O. No. 228 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'.

