

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7376 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- BHAWANIPUR District- Purnia

1. RUDAL KUMAR Son of Raj Kumar Sah Resident of Village-Teliyari, P.S.- Bhawanipur, District-Purnea.
2. Ravi Kumar @ Ravi Kumar Mandal Son of Jay Nandan Mandal Resident of Village-Kataiya, P.S.-Bhawanipur, District-Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2021 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 Bhawanipur P.S. Case No. 207 of 2020 giving rise to Special Excise Case No. 444/2020 registered for the offences punishable under Section 272, 273, 120(B) of the Indian Penal code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that as per the first information report while the informant along with



police party returning after raid he saw one truck was unloading on the Maruti and motorcycle and after seeing the police party the accused persons tried to flee away but with the help of police party accused persons were caught and on search one country made pistol and ten live cartridges were recovered from the possession of one of the co-accused and these petitioners were unloading the wine on the Maruti and motorcycle and total 418 liter of foreign liquors were recovered.

Learned counsel for the petitioners submits that petitioners have committed no offence, they were falsely implicated in this case on the basis of suspicions. Learned counsel submits that petitioners are labourers and they were unloading the truck for their livelihood, they are in custody since 17.10.2020 having no criminal antecedent.

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

Considering the facts and circumstances of the case wherein the allegation against the petitioners is that they were caught by the police and trying to flee-away from the spot where some some persons were unloading the illicit liquors from the vehicles, however no connection has been found with the vehicles in question and these petitioners, have no criminal



antecedent, they have remained in jail since 17.10.2020 and their further incarceration is not likely to come in aid of 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), Purnea, in connection with Bhawanipur P.S. Case No. 207 of 2020 giving rise to Special Excise Case No. 444/2020, 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'.

