

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8800 of 2021**

Arising Out of PS. Case No.-255 Year-2020 Thana- DEEPNAGAR District- Nalanda

1. MD. MUMTAJ Son of Late Nazir Mian Resident of Village- Jalwa Bag, P.S.- Koderma, District- Koderma
2. Pradeep Swarnkar Son of Late Sharda Swarnkar Resident of Village- Jhagru Dih, P.S.- Rajdhanwar, District- Giridih.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

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

2 03-05-2021 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. Amitesh Kumar, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Deep Nagar P.S. Case No. 255 of 2020 registered for the offences punishable under Sections 420/34 of the Indian Penal Code and 30(A) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that on secret information the informant searched one truck and total 708 litres 750 ml foreign liquor was recovered from the said truck. Both the driver and the khalasi were apprehended and they disclosed their names as Md. Mumtaz and Pradeep Swarnkar respectively. It is further



submitted that these petitioners were not the owner of the vehicle.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that they were not aware of the alleged illicit liquor. The petitioners are in custody since 15.8.2020 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 Petitioner No. 1 is said to be the driver of the vehicle and the petitioner No. 2 is khalasi and it is their submission that they were not aware of the alleged illicit liquor and they are in custody since 15.08.2020, investigation against them is complete, prior to the present case they had no criminal antecedent, 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 Additional District & Sessions Judge-IIIrd-cum-Special Judge (Excise), Nalanda in connection with Deep Nagar P.S. Case No. 255 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 bonds 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'.

