

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37977 of 2021**

Arising Out of PS. Case No.-207 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. CHHOTU KUMAR, Son of Bauku Sharma @ Rupkant Sharma, Resident of Village - Batraha, Ward No. 25, Police Station - Saharsa, District - Saharsa.
 2. RAJA KUMAR, Son of Rajesh Sharma, Resident of Village - Batraha, Ward No. 25, Police Station - Saharsa, District - Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-01-2022 Learned counsel for the petitioners undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioners and Mr. Md. Fahimuddin, learned APP for the State.

The petitioners in the present are seeking regular bail in connection with Special Excise Case No. 454 of 2021 arising out of Kotwali (Barari) P.S. Case No. 207 of 2021 registered for the offences punishable under Section 30(a) of Bihar Excise and Prohibition Act, 2016. The petitioner is in custody since 25.03.2021. He has no criminal antecedent.

Learned counsel for the petitioners submits that the



informant got secret information regarding transportation of liquor then he reached at the given place and started checking the vehicle. During checking one goods carrier Tempo and a Scooty was stopped and from the Tempo 76.310 litres of illicit liquors have been recovered. It is alleged that the petitioners were on the Tempo.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that these petitioners had taken lift from the driver of the Tempo who was the co-villager of the petitioners. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are in custody since 25.03.2021 having no criminal antecedent.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Having regard to the submissions of learned counsel for the petitioners that these petitioners were the passengers in the Tempo and they had taken lift from the driver who was the co-villager of the petitioners, nothing has been recovered from their conscious possession and these petitioners who have got no criminal antecedent have remained in custody since 25.03.2021, this Court directs release of the petitioners above



named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum- Special Judge (Excise Act), Bhagalpur in connection with Special Excise Case No. 454 of 2021 arising out of Kotwali (Barari) P.S. Case No. 207 of 2021, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

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 his 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'.

