

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40814 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

1. Sharwan Tanvar @ Shravan, S/O Triloki Chandra, R/O Village - Sahpura @ Shahpura, P.S-Gogaba @ Gogaon, District-Kharmon @ Khargone (Madhya Pradesh).
2. Rajesh Kumar Chaurasia, S/O Main Singh, R/O Mohallah-Chargao, P.S-Chand, District-Chidbara (Madhya Pradesh).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-02-2022 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Industrial Area P.S. Case No. 53 of 2021 registered for the offences punishable under Section 420, 467 and 468 of the Indian Penal Code and Section 30(a), 36, 41(i) of the Bihar Prohibition and Excise Act. They are in custody since 05.03.2021 having no criminal antecedent as stated in paragraph ‘3’ of the application.

As per the prosecution story, while the informant got secret information that illegal liquors are being transported over ten wheeler truck, thereafter he reached there and seized the vehicle. The informant further alleged that on search of the



vehicle total 5319 liters of country made foreign liquor were recovered and petitioners were arrested.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that petitioners are the driver and cleaner of the seized vehicle from which the liquors have been recovered.

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

Having regard to the submissions that petitioner no. 1 is the driver and petitioner no. 2 is the cleaner of the seized vehicle from which liquors have been recovered and that they are in custody since 05.03.2021, this court directs that the petitioners above-named shall be released on bail **after framing of charge** 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-Excise Court, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 53 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

Further condition that petitioners shall provide one local bailor being a permanent resident of the State of Bihar having sufficient means whose credibility will be verified by the



learned court below and on being satisfied with the same, the bail bond shall be accepted.

And further condition that the petitioners shall cooperate in course of trial and two regular defaults in putting appearance in the trial court may invite action towards cancellation of bail bond of the petitioners.

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.)

Rajeev/-

U		T	
---	--	---	--

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'.

