

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43925 of 2021

Arising Out of PS. Case No.-77 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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1. Subodh Yadav, S/O Panchanand Yadav, R/O Village-Madhopur Ward No.3, P.S-Jashidih, District-Deoghar
 2. Amin Yadav, S/O Nandlal Yadav, R/O Village-Birsindi Ward No.6, P.S-Margo Munda, District-Deoghar (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritwik Thakur, Adv.

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-02-2022 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 Mr. Atul Chandra, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Excise Case No.77C2 of 2021 registered for the offences punishable under Sections 30(a), 30(b), 30(d), 32(a), 32(b), 38(c), 33, 36, 41(a), 41(b), 47, 56(a) and 56(b) of the Bihar Prohibition and Excise Act, 2016. They are in custody since 27.05.2021. The petitioner no.1 has got one criminal antecedent whereas petitioner no.2 has no criminal antecedent.



Learned counsel for the petitioners submits that as per the prosecution story 40 liters of illicit spirit and 500 pieces of cork have been recovered from a Maruti Alto Car in which the petitioners were also found sitting.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that the petitioners are neither owner nor driver of the vehicle and nothing incriminating has been recovered from the conscious possession of the petitioners.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that these petitioners were arrested from the vehicle in which 40 liters of spirit and 500 pieces of cork were found, the petitioners are neither owner nor driver of the vehicle, further they have remained in custody in connection with this case since 27.05.2021, investigation against them is complete, they are ready to provide one local bailor and their presence may be secured in course of trial, this Court directs that the petitioners above named be released on bail on furnishing 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 District and



Sessions Judge-II-cum-Special Judge, Excise, Lakhisarai in connection with Excise Case No.77C2 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that one of the bailors should be a permanent resident of the State of Bihar having sufficient means.

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'.

