

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.43984 of 2021**

Arising Out of PS. Case No.-298 Year-2021 Thana- MADHAURAH District- Saran

1. Shatrughan Raut Son Of Late Chulhai Raut Resident Of Village Vikrampur, P.S. - Marhowrah, District - Saran At Chapra.
2. Deepak Kumar Son Of Shatrughan Raut Resident Of Village Vikrampur, P.S. - Marhowrah, District - Saran At Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 18-02-2022 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. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Marhowrah P.S. Case No. 298 of 2021 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act. They have got no criminal antecedent and are in custody since 28.05.2021.

Learned counsel for the petitioners submits that as per the prosecution story, the informant while on patrolling duty received information that these petitioners are involved in trade of illicit liquor and have kept the illicit liquor behind their



house. On this information, the informant along with other police officials reached there and on seeing the policy party these petitioners started fleeing but got apprehended. On search, total 350 liters of raw spirit was recovered from bushes in the orchard and the field of one Indu Singh.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the recovery is from bushes in the orchard and the field of one Indu Singh and not of these petitioners. They have remained in custody since 28.05.2021 having no criminal antecedent.

Learned counsel submits that presence of the petitioners may be secured in course of trial.

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

Having regard to the materials showing that the recovery of 350 liters of raw spirit has been made from bushes in the orchard and the field of one Indu Singh and not of these petitioners, the petitioners are said to have their house in front of the field from where the recovery has been made but the said field does not belong to these petitioners, they have otherwise no criminal antecedents and have remained in custody since



28.05.2021, investigation against them is complete and their presence may be secured in course of trial, 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) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Marhowrahh P.S. Case No. 298 of 2021, subject to the conditions as laid down under Section 437(3) 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 their criminal antecedent, the court below shall take steps 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'.

