

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(BEFORE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.56891 of 2021**

Arising Out of PS. Case No.-616 Year-2021 Thana- ARARIA District- Araria

INDAL KUMAR, son of Srilal Sharma, resident of village-Banaili ward no. 12, P.S.-Kasba, District-Purnea Petitioner

Versus

The State of Bihar Opposite Party

with

CRIMINAL MISCELLANEOUS No. 57145 of 2021

Arising Out of PS. Case No.-616 Year-2021 Thana- ARARIA District- Araria

MD. SAFIKUL @ SAFIKUL, son of Md. Mansoor, resident of village-Sat-vaili ward no. 03 Sit Tola, P.S.-Kasba, District-Purnea Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56891 of 2021)

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 57145 of 2021)

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, A.P.P.

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

2 15-04-2022 Learned counsel for the petitioners undertakes to remove the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioners and Mr. Akshay Lal Pandit, learned APP for the State in both the applications.

The petitioners in the present are seeking regular bail in connection with Araria (Bairgachhi) P.S. Case No. 616 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



Learned counsel for the petitioners submits that in Cr. Misc. No. 56891 of 2021, the petitioner has got no criminal antecedent whereas in Cr. Misc. No. 57145 of 2021, the petitioner has got one criminal antecedent in which he is said to be on bail. The petitioners are in custody since 21.07.2021.

Learned counsel for the petitioners submits that as per the prosecution story, 153 litres of illicit liquor has been recovered from a four wheeler vehicle in which both the petitioners were 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 there is no recovery from the conscious possession of the petitioners. It is submitted that the petitioners are in custody in connection with this case since 21.07.2021.

Mr. Akshay Lal Pandit, learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Having regard to the submissions that the petitioners in both the cases were arrested while they were coming on a car in which 150 litres of English wine were kept and recovered, that the petitioners are in custody since 21.07.2021, investigation against them is complete and both the petitioners



have no criminal antecedent as also that 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/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria (Bairgachhi) P.S. Case No. 616 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 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)

vats/-

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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 web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

