

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71387 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- BANGARA District- Samastipur

1. Ram Naresh Kumar @ Ram Naresh Singh Son Of Amresh Singh @ Amresh Kumar Resident Of Village - Fatehpur, P.S.- Musrigharari, District - Samastipur.
2. Md. Faiyaz Son Of Md. Ayub Resident Of Village - Fatehpur, P.S.- Musrigharari, District - Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 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 learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Excise G.R. Case No. 721 of 2021 arising out of N.H. Bangara P.S. Case No. 81 of 2021 registered for the offences punishable under Sections 272, 273, 414, 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act. They are in custody since 30.07.2021 and have no criminal antecedent.

Learned counsel for the petitioners submits that as per



the prosecution story, on 28.07.2021 at about 23.10 in the night the informant along with other police personnel proceeded for night patrolling and in course of patrolling he received information that some persons were involved in unloading the wine from a truck at Rajdhani Road. It is alleged that thereafter the informant reached at the given place where on seeing the police party some persons started fleeing away, but on chase they were apprehended. The apprehended persons disclosed their names as Santosh Kumar, Ranjit Kumar, Ramnaresh Kumar (petitioner), Amit Kumar, Md. Ujale, Md. Faiyaj (petitioner) and Md. Chand. It is alleged that thereafter the informant searched the vehicles and recovered altogether 3041.280 liters of illicit liquor.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that from petitioner no. 1 only 7 liters of illicit liquor were allegedly seized, petitioner no. 2 is said to be the worker and they have no concern with the ownership of the vehicles in question.

Learned counsel submits that these petitioners have remained in custody since 30.07.2021, investigation against them is complete and their presence may be secured in course of



trial. It is submitted that the petitioners have remained in custody since 30.07.2021 having no criminal antecedent.

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

Having regard to the submission that from petitioner no. 1 only 7 liters of illicit liquor were allegedly seized, petitioner no. 2 is said to be the worker and they have no concern with the ownership of the vehicles in question and further that these petitioners have remained in custody since 30.07.2021, investigation against them is complete and their presence may be secured in course of trial, they have otherwise no criminal antecedent, therefore, 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 Special Judge, Excise, Samastipur in connection with Excise G.R. Case No. 721 of 2021 arising out of N.H. Bangara P.S. Case No. 81 of 2021, subject to the condition 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'.

