

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72417 of 2021

Arising Out of PS. Case No.-384 Year-2021 Thana- SAHPUR District- Patna

1. NITESH KUMAR, S/o Kameshwar Ray, Resident of Nilkanth Tola, Gauriya Sthan, P.S.- Maner, District- Patna.
2. Ajay Kimar S/o- Suresh Rai, Resident of Dost Nagar, P.S.- Maner, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 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 Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Sahpur P.S. Case No. 384 of 2021, Special Case No. 6534 of 2021 registered for the offences punishable under Section 30(a) of Excise Act, 2018. They are in custody since 11.10.2021. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that the



informant in course of vehicle checking intercepted one Maruti car bearing registration no. BR1Y-7992 and apprehended two persons including the petitioners. On search of the vehicle, the informant recovered 505 litres of country made liquor.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners have no criminal antecedent and they are in custody in connection with this case since 11.10.2021.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that the petitioner no. 1 is said to be a labourer whereas the petitioner no. 2 is the driver of the vehicle in question, they have remained in custody in connection with this case since 11.10.2021, they have no criminal antecedent, investigation against them is complete and their presence may be secured in course of trial, thus, 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, Patna in



connection with Sahpur P.S. Case No. 384 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.

(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 website under the heading 'Judicial Orders Passed During The Pandemic Period'.

