

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51 of 2022

Arising Out of PS. Case No.-340 Year-2021 Thana- MAIRWAN District- Siwan

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1. Ranjan Kumar Yadav @ Ranjan Kr. Yadav Son Of Bhagwan Yadav Resident Of Village- Tikri Tola Mathiya, P.S.- Hussainganj, District- Siwan.
 2. Rahul Yadav @ Bittu Son of Shankar Yadav Resident of Village- Siswa Khurd, P.S.- Mairwa, District- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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 learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Mairwa P.S. Case No. 340 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act. They are in custody since 29.10.2021 and have no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, during course of vehicle checking at Dharni Chhapar, the police intercepted one Scorpio vehicle from



which total 451.600 liters of illicit liquor was recovered and these petitioners were present in the vehicle.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the vehicle in question does not belong to the petitioners and they have no knowledge about the illicit liquor kept in the vehicle. The petitioners have remained in custody since 29.10.2021 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 the vehicle in question does not belong to the petitioners, they are in custody since 29.10.2021, they have otherwise no criminal antecedent, investigation against them is complete and their presence may also be secured in course of trial, 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 Additional Sessions Judge 2nd cum Special Judge, Excise, Siwan in connection with Mairwa P.S. Case No. 340 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'.

