

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.941 of 2022

Arising Out of PS. Case No.-75 Year-2020 Thana- ANGARGHAT District- Samastipur

1. Deepak Kumar Son Of Umesh Ray R/O Village- Dadhiya Ashadhar, Ward No. 06, P.S- Angarghat, Dist.- Samastipur
2. Chandan Kumar Son Of Umesh Ray R/O Village- Dadhiya Ashadhar, Ward No. 06, P.S- Angarghat, Dist.- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Aprajita, 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 Angarghat P.S. Case No. 75 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act. They are in custody since 09.09.2021 and have no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, on basis of secret information the informant along with other police personnel raided the primary



school, Dadhiya and on search total 122.65 liters of illicit liquor was recovered.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on mere suspicion that they are involved in the business of liquor. It is submitted that there is no recovery from the conscious possession of the petitioners. The petitioners have remained in custody since 09.09.2021 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 of the learned counsel for the petitioners that liquors have been recovered from the premises of the school and the name of the petitioners have transpired on mere suspicion that they are involved in the business of liquor, petitioners have no criminal antecedent, they are in custody since 09.09.2021, investigation against them is complete and their presence may also be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. 2nd cum



Special Judge Excise Samastipur in connection with Angarghat
P.S. Case No. 75 of 2020, 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'.

