

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14477 of 2021**

Arising Out of PS. Case No.-242 Year-2020 Thana- DURAULI District- Siwan

CHHOTE BIN S/o Late Belas Bin R/o Village- Balahu Tola Tari, P.S.-
Darauli, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

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

2 17-06-2021 Learned counsel for the petitioner 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 petitioner and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Darauli P.S. Case No. 242/2020 registered for the offences punishable under Section 272, 273 of the Indian Penal Code and Section 30(a), 38(i) of the Bihar Prohibition & Excise Act.

As per prosecution story, the informant got secret information that country made Mahua liquor is to reach near Toka Jharahi Nala from U.P. by boat, the informant reached at the place and saw four persons on boat and on seeing police party they jumped from the boat into the river and fled away, on search of the



boat total 400 liters of country made Mahua liquor were seized.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case on mere suspicion and he is in jail since 03.12.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this court has noticed that as per the prosecution story this petitioner had jumped into the river from the boat which was carrying 400 liters of illicit liquor, allegedly the petitioner was identified by the Chowkidar, however the submission being that petitioner has been made accused on suspicion only, he has got one criminal antecedent of similar nature, there is no independent witness to the alleged occurrence and the petitioner is in custody since 03.12.2020, investigation against him is complete but the trial is not likely to be concluded in near future, considering all these aspects of the matter, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge – cum – Special Judge, Excise, Siwan, in connection with Darauli P.S. Case No. 242/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

Rajeev/-

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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'.

