

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19595 of 2021**

Arising Out of PS. Case No.-323 Year-2020 Thana- KHIJARSARAI District- Gaya

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JOKI CHAUDHARY @ ARJUN CHAUDHARY Son of Lala Chaudhary
Resident of Village - Maksudpur Tola Raniganj, P.S.- Khizersarai, Dist.-
Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Brajendra Nath Pandey, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Khizersarai P.S. Case No. 323 of 2020

registered for the offences punishable under Sections 30(a) of

the Bihar Prohibition and Excise Amendment Act, 2018.

Learned counsel for the petitioner submits that as per

the prosecution story, on secret information the informant

conducted raid in the house of the petitioner from where 5 litres

country made wine has been recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the allegedly recovered illicit liquor. The petitioner is in custody since 15.12.2020.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that 5 liters of illicit country made wine has been recovered from the house of this petitioner, the petitioner has remained in custody in connection with this case since 15.12.2020, he has one criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IInd-cum-Special Judge of Excise Act, Gaya in connection with Khizersarai P.S. Case No. 323 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

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'.