

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20966 of 2021**

Arising Out of PS. Case No.-9 Year-2021 Thana- UCHKAGAON District- Gopalganj

1. Ramesh Chaudhary, Son of Late Radhika Chaudhari, R/O Village- Kawahi, P.S.- Uchakagaon, District- Gopalganj.
2. Mantu Kumar Yadav, Son of Hare Lal Yadav, R/O Village- Kawahi, P.S.- Uchakagaon, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pritish Ranjan, Advocate

For the Opposite Party/s : Mr. Bal Mukund Pd. Sinha, A.P.P.

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

2 09-07-2021 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. Bal Mukund Pd. Sinha, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Uchakagaon P.S. Case No. 09 of 2021 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution story, when the informant along with other police personnel on patrolling duty at about 20.20 P.M. he received a secret information that in the house of



petitioner no. 1 huge quantity of illicit liquor was stored. On receiving this information the informant along with other police personnel reached at village Kawahi and apprehended two persons namely Ramesh Chaudhary and Mantu Kumar Yadav (petitioners) and upon search behind the house of the petitioners altogether 166 litres of illicit liquor has been recovered.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that there is no recovery of illicit liquor from the conscious possession of the petitioners. It is submitted that the petitioners are in custody in connection with the present case since 09.01.2021 and they have no criminal antecedent.

Mr. Bal Mukund Pd. Sinha, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the illicit liquor has not been recovered from his conscious possession, the seizure is also not in accordance with law, they have no criminal antecedent and have remained in jail since 09.01.2021, investigation against them is complete but the trial is not likely to take place in near future, this Court directs



release of the petitioners above named on bail on furnishing of 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 2nd Additional District and Sessions Judge-cum-Special Judge, Gopalganj in connection with Uchakagaon P.S. Case No. 09 of 2021, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step 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'.

