

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23312 of 2021**

Arising Out of PS. Case No.-359 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Saharsa

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Upendra Choudhary S/O Late Mahendra Chaudhary R/O Village-
Hatiyagachhi Ward No.31, P.S. And District-Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Subesh Sharma, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

3 13-09-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Special (Excise) Case No. 359/2020 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 08.09.2020. He has got two criminal antecedents as stated in paragraph '3'. Learned counsel for the petitioner confirmed that petitioner is on bail in both the cases.

As per the prosecution story, on secret information the informant reached at Kailashpuri Mohalla, Saharsa at about 6:00 P.M. where three persons were found loading of foreign liquor, on inquiry Chand Kumar stated to be the owner and Upendra Choudhary also loading wine on E-Rickshaw. It is alleged that

total 993.285 liters of illicit liquor were recovered.

Learned counsel for the petitioner submits that petitioner is said to be the poor person loading wine on E-Rickshaw, the petitioner has no concern with the alleged recovery, he has been falsely implicated in this case, however he is in custody since 08.09.2020. Learned counsel submits that petitioner has got two criminal antecedents as stated in paragraph '3' and confirms that petitioner is on bail in both the cases.

Mr. Akhileshwar Dayal, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case in which this petitioner is said to be a poor person involved in loading wine on E-Rickshaw, investigation reveals that one Chand Kumar happened to be the owner of the illicit liquor, petitioner has remained in jail for over one year, let 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 Additional District and Sessions Judge – II cum – Special Judge (Excise), Saharsa in connection with Special (Excise) Case No. 359/2020, 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 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)

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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'.