

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23656 of 2021**

Arising Out of PS. Case No.-225 Year-2020 Thana- BHAGWANPUR District- Begusarai

GUDDU CHAUDHARY @ RAMESH CHAUDHARY Son of Gaya Chaudhary Resident of Village - Mananpur, P.s.- Bhagwanpur, Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Chandra Sahni, APP

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

3 23-09-2021 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 Mr. Ram Chandra Sahni, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bhagwanpur P.S. Case No. 225 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in judicial custody since 09.12.2020 and he has got two criminal antecedents as stated in the supplementary affidavit filed on behalf of the petitioner.

As per the prosecution story, the informant along with

police party reached Mananpur Gachhi on getting secret information that three persons (including this petitioner) have brought illicit liquor in a white pick-up van. On seeing police, all the three persons succeeded in fleeing away and upon search, total 276.480 litres foreign liquor was recovered from the pick-up van.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner was not arrested on the spot and nothing has been recovered from his conscious possession. Learned counsel submits that the petitioner is neither the owner nor the driver of the said pick-up van.

Mr. Ram Chandra Sahni, 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 allegedly 276.480 liters foreign liquor is said to have been recovered from Mananpur Gachhi where the same were allegedly received from a pick-up van, the submission being that the petitioner was not arrested on the spot, he is neither the owner nor the driver of the said pick-up van and has remained in jail in connection with this case since 09.12.2020 therefore he has completed more than nine months of custody, in

the circumstances, let the petitioner above named be released 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 Additional Sessions Judge-II-cum-Special Judge, Begusarai in connection with Bhagwanpur P.S. Case No. 225 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 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.

This application stands disposed of accordingly.

(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'.