

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23601 of 2021**

Arising Out of PS. Case No.-312 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

1. FULCHAND CHAUHAN SON OF BABULAL CHAUHAN R/O VILLAGE- MASADHI, P.S.- RAMGARH, DISTRICT- KAIMUR AT BHABUA.
2. KRISHN MOHAN SINGH @ BHOLU SINGH SON OF RAKESH SINGH @ RAMESH SINGH R/O VILLAGE- MASADHI, P.S.- RAMGARH, DISTRICT- KAIMUR AT BHABUA.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

2 13-09-2021 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. Md. Fahimuddin, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Durgawati P.S. Case No. 312 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act and Sections 414 and 34 of the Indian Penal Code.

As per the prosecution story, the informant while on

vehicle checking duty indicated a WagonR Car to stop but it started fleeing away but was eventually caught. When search was made total 105.480 litres illicit liquor was recovered from the dickey of the car.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that the car does not belong to the petitioners and nothing has been recovered from the conscious possession of the petitioners. Learned counsel submits that the petitioners are in custody since 21.12.2020 having no criminal antecedent.

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 it is the submission of learned counsel for the petitioners that the WagonR Car from which 105.480 litres of illicit liquor has been seized does not belong to him, nothing has been recovered from the conscious possession of the petitioners and the seizure list has not been prepared by taking independent witness, the petitioners have got no criminal antecedent but they are in custody since 21.12.2020, let the petitioners 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, Excise, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 312 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 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.

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'.