

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23288 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- ATRI District- Gaya

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Sunil Chaudhary Son Of Bhola Chaudhary R/O Village- Reula Chauthi
Beldary, P.S.- Atri, Dist.- Gaya

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-09-2021 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 learned

A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Atri P.S. Case No. 02/2021 registered for the

offences punishable under Section 272, 273 of the Indian Penal

Code and Section 30(a)(d) of Bihar Excise Prohibition Act,

2018.

As per the prosecution case, while the informant got a

secret information that some persons are making Mahua wine

on the Pind of Dhiura Ahar at village Riula Chauthi, he along

with police party reached there and on seeing the police party a

person who was engaged in manufacturing of wine tried to flee away but on chase he was apprehended and disclosed his name as Sudhir Choudhary. It is further alleged that on search five liters of illegal Mahua wine, wine manufacturing articles and 600 liters Java Mahua were recovered from the Bhatti of Sunil Choudhary, the same was seized.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case, co-accused Sudhir Choudhary was apprehended by the police on spot and on his statement five other persons have been implicated in this case. Learned counsel further submits that petitioner has no criminal antecedent and has remained in custody in connection with this case for about eight months.

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 petitioner that no recovery of liquor has been made from the house of the petitioner, the police arrested co-accused Sudhir Choudhary on the spot and on his statement five other persons have been implicated in this case, petitioner has no criminal antecedent and has remained in custody in connection with this

case for about eight months, this court directs release of the petitioner above named 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 Act, Gaya in connection with Atri P.S. Case No. 02 of 2021, 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)

Rajeev/-

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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'.