

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23597 of 2021**

Arising Out of PS. Case No.-378 Year-2020 Thana- KAUWAKOL District- Nawada

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DILCHARAN RAVIDAS S/o Late Budhu Ravidas R/o Village- Mahudar,
P.S.- Kawakole, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha, Advocate
	:	Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-09-2021 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. Pramod Kumar Pandey, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kawakole P.S. Case No. 378 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the informant on a secret information reached in the forest area of Baneh Than, Mahudar village. On seeing police, two persons (including this petitioner) started fleeing away but were eventually apprehended and when

search was made, total 100 litres country made liquor was recovered from the *khaprail* house of the petitioner.

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 house from the which alleged recovery has been made does not belong to this petitioner and nothing has been recovered from his conscious possession. Learned counsel submits that the petitioner is in custody since 19.11.2020 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 submitted that 100 litres of illicit liquor have been allegedly recovered from a *khaprail* house of the petitioner, the petitioner is, however, denying his ownership with respect to the said house situated in forest area, he has got no criminal antecedent and has remained in jail in connection with this case since 19.11.2020, this Court directs release of the petitioner 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 2nd Additional District and Sessions Judge-cum-Special Judge, Nawada in

connection with Kawakole P.S. Case No. 378 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.

(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’.