

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23749 of 2021**

Arising Out of PS. Case No.-330 Year-2017 Thana- RAJAOLI District- Nawada

NAND KISHORE CHAUDHARY @ LUTERWA CHAUDHARY Son of
Mahesh Chaudhary Resident of Village - Dih Rajauli, P.S.- Rajauli, District -
Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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

2 21-09-2021 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

Satyendra Narayan Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Rajauli P.S. Case No. 330/2017 registered for

the offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.

As per the prosecution story, on secret information the

informant has recovered 10 liters of country made liquor from

the house of Nand Kishore Chaudhary @ Luterwa in the room

situated at the west side of the house which has been seized.

Learned counsel for the petitioner submits that

petitioner has been falsely implicated in this case, the alleged recovery of 10 liters of illicit liquor has been shown from one of the rooms of the house of the petitioner but the same room is an abandoned room and the petitioner is not in complete control over the same, however petitioner is in custody since 27.12.2020 having one 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 petitioner that the alleged recovery of 10 liters of illicit liquor has been shown from one of the rooms of the house of the petitioner but the same room is an abandoned room and the petitioner is not in complete control over the same, petitioner has got one criminal antecedent but he has remained in custody in connection with this case since 27.12.2020, 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 District & Sessions Judge - 2nd – cum – Special Judge, Nawada in connection with Rajauli P.S. Case No. 330/2017, 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'.