

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27688 of 2021**

Arising Out of PS. Case No.-171 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

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KRISHNA CHAUHAN Son of Shyam Sunder Chauhan Resident of Village -
Lakshaman Patti Baira, P.S.- Gyanppur, District - Bhadohi, State - U.P.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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

3 07-10-2021 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. Tarun
Prasad Mandal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with P.R. Case No. 14/2020-21, Excise Case No. 171

of 2021 registered for the offences punishable under Section

30(a) of the Bihar Prohibition and Excise Act, 2018. The

petitioner is in custody since 18.02.2021 and he has got no

criminal antecedent.

As per the prosecution story, the informant on a secret

information intercepted a Hyundai Car bearing Registration No.



UP70DP 9630 and recovered 153.720 litres illicit liquor from the car and accordingly the petitioner was arrested.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and the car from which the alleged recovery has been made does not belong to this petitioner either.

Mr. Tarun Prasad Mandal, 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 vehicle from which the alleged recovery has been made does not belong to this petitioner and further that the petitioner has remained in custody in connection with this case since 18.02.2021 and he has otherwise got no criminal antecedent, 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, Kaimur at Bhabua in connection with P.R. Case No. 14/2020-21, Excise



Case No. 171 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.

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'.

