

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.27059 of 2021**

Arising Out of PS. Case No.-224 Year-2020 Thana- NAVINAGAR District- Aurangabad

LAKHAN CHAUDHARY Son of Chanari Chaudhary Resident of Village-  
Janakpur, Pokhara, P.S.- Nabinagar, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms.Leelawati Kumari, Adv.

For the Opposite Party/s : Mr.Rajesh Kumar, APP

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

2      16-08-2021                      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner in the present case is seeking regular bail in connection with Nabinagar P.S. Case No.224/2020 for the offences registered under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

The case was mentioned by learned counsel for the petitioner for out of turn hearing on the ground that one of the sons of the petitioner has died on 05.08.2021 and his Shradh is likely to take place on 16.08.2021 and 18.08.2021.

Learned counsel for the petitioner submits that as per the prosecution story the petitioner is said to be the owner of one of the motorcycles which were allegedly left by persons who were there on the motorcycles. From the four motorcycles altogether 262.50 liters

of country made liquors have been recovered.

The petitioner has got two criminal antecedents of similar nature, however, he is in custody in connection with this case since 15.01.2021.

Learned APP for the State is present and has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case wherein this petitioner has not been arrested on the spot, however, it is alleged that one of the motorcycles which were left by the accused persons who fled away on interception by the police party belongs to this petitioner, the petitioner is in custody for 7 months and his one of the sons died, in the given circumstances, this Court directs release of the petitioner above-named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Aurangabad in connection with Nabinagar P.S. Case No.224/2020, subject to the conditions 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’.