

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27716 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- ITARHI District- Buxar

MUNNA CHAUHAN Son of Late Ram Shakal Chauhan @ Ram Sakal Chaudhary Resident of Village- Bishrampur, Police Stastion- Itahri, District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-10-2021 Heard learned counsel for the petitioner and Mr. Pranav Kumar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Itarhi P.S. Case No. 13 of 2021, CIS No. 66/2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition & Excise Act.

As per the prosecution story, the informant has alleged that while he was on patrolling duty he got confidential information that Munna Chauhan, son of Late Ram Sakal Chauhan has indulged in illegal business of liquor and stored the same inside the boring chamber in the field of Janardan Singh, he proceeded for verification of the said information and reached near the Boring chamber in the field of Janardhan Singh. The informant further alleged that on search total 405



liters of English wine were recovered, thereafter the informant inquired about the said recovered liquor from the villagers, they disclosed that the said recovered liquor belong to one Munna Chauhan (the petitioner).

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, liquor has been recovered from the land of one Janardhan Singh and not from the conscious possession of this petitioner, however he is in custody since 06.02.2021.

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 learned counsel for the petitioner has demonstrated from the First Information Report and the seizure list that liquors have been recovered from the vacant land of one Janardan Singh of village Bishrampur and not from the conscious possession of the petitioner and to that extent the observations in the impugned order passed by learned Additional Sessions Judge -II – cum Special Judge, Excise, Buxar is not correct, the petitioner is in custody since 06.02.2021, investigation against him is complete, and in the one case stated in paragraph '3' of the application he is



said to be on bail, 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, Buxar in connection with Itarhi P.S. Case No. 13 of 2021 corresponding to CIS No. 66/2021, 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'.

