

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45938 of 2021

Arising Out of PS. Case No.-202 Year-2019 Thana- HATHUA District- Gopalganj

Raju Kumar @ Raju Chauhan @ Raju Mahto Son Of Suraj Chauhan @ Suraj
Mahto Resident Of Village - Mani Chapar, P.S.- Hathua, Dist.- Gopalganj.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-11-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Hathuwa P.S. Case No. 202 of 2019
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2016. He is in custody since
10.09.2020. The petitioner has got 5 criminal antecedents as per
paragraph '3' of the petition.

Learned counsel for the petitioner submits that as per
the prosecution story, the S.H.O. of Hathua Police Station
received information that the petitioner and his associate are
involved in illicit trade of liquor. On this information, the



informant along with other police officials reached the given place of occurrence and on seeing the police party, the tempo driver and one person fled away on motorcycle. On search of the tempo, total 125 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the vehicle in question does not belong to the petitioner. It is also submitted that there is no recovery from the conscious possession of the petitioner. The petitioner is in custody since 10.09.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the observations made in the order dated 08.03.2021 passed in Cr. Misc. No. 282 of 2021, since the petitioner has remained in judicial custody for over one year two months and it is the submission of learned counsel for the petitioner that nothing incriminating has been recovered from possession of the petitioner and the vehicle in question from which the illicit liquor has been recovered does not belong to this petitioner, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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, Excise, Gopalganj in connection with Hathuwa P.S. Case No. 202 of 2019, 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.

The application stands allowed.

(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'.

