

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36552 of 2020**

Arising Out of PS. Case No.-722 Year-2020 Thana- NAWADA District- Nawada

Bishundev Prasad @ Bishundev Chauhan S/o Late Somar Prasad R/o Village-
Ghanghauri, P.S.- Town (Nawada)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan, advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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

5 09-07-2021 Heard learned counsel for the petitioner and Ms. Anita
Kumari Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Town (Nawada) P.S. Case No. 722 of 2020
registered for the offences punishable under Section 30(a) & 41
of the Bihar Prohibition and Excise Act, 2016.

As per prosecution story, while the informant along
with police force were on patrolling duty received information
that liquor sale is going on in village Ghanghauri & Sohjana, he
reached at the house of one Manish Kumar and searched his
house and from where total 60 liters of illicit liquor were
recovered and Manish Kumar disclosed that his wife and his
younger brother used to sale the liquor.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case, the recovery of illicit liquor is from the joint house of the petitioner and petitioner had no criminal antecedent and he is in custody since 15.08.2020.

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

Considering the submission of learned counsel for the petitioner that the recovery of illicit liquor is from the joint house of the petitioner, petitioner has no criminal antecedent, he is in jail in connection with this case since 15.08.2020, investigation against him is complete but the trial is not likely to take place in near future, 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 – II – cum – Special Judge, Nawada, in connection with Nawada Town P.S. Case No. 722 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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'.

