

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1267 of 2021**

Arising Out of PS. Case No.-642 Year-2017 Thana- BARACHATTI District- Gaya

VIJAY CHAUDHARY Son of Late Kali Chaudhary Resident of Village -
Darbar, P.s.- Barchatti, Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

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

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

2 12-03-2021 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 learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Barachatti P.S. Case No. 642/2017 registered
for the offences punishable under Section 30(a), 38 and 47 of
the Bihar Prohibition and Excise Act, 2016.

As per prosecution story, in course of campaign
against wine Mafia, a search was made in the houses of 13
accused persons as named in the F.I.R. in which 55 liters of
country made wine and some utensils were recovered from the
houses of the accused persons. It is alleged that 10 liters of



country made wine and one wine making utensil were recovered from the house of the petitioner.

Learned counsel for the petitioner submits that petitioner is quite innocent and has falsely been implicated in this case, he was not present on the spot. Learned counsel submits that nothing incriminating has been recovered from the possession of the petitioner, petitioner is in custody since 06.10.2020.

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

Considering the facts and circumstances of the case wherein the allegation against the petitioner is that he was in possession of 10 liters of country made Mahua wine, he is said to be in custody in connection with the present case since 06.10.2020 having one criminal antecedent of similar nature in which he is on bail, let the petitioner above named be released on bail on completion on six months of custody i.e. on 05.04.2021 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 Special Judge, Excise Act, Gaya, in connection with Barachatti P.S. Case No. 642/2017, 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'.

