

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5510 of 2021**

Arising Out of PS. Case No.-477 Year-2020 Thana- NARPATGANJ District- Araria

JAY PRAKASH CHOUDHARY Son of Balkumar Choudhari Resident of
Village - Belhi (Shivpuri), Ward No.10, P.S.- Kishanpur, Distt.- Supaul.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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

2 15-04-2021 Heard learned counsel for the petitioner and Mr.
Bharat Bhushan, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special Case No. 890 of 2020 arising out of Narpatganj P.S. Case No. 477 of 2020 registered for the offences punishable under Sections 41, 47, 30(a) and 38(1) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, the informant intercepted a truck from which 2556 liters of illicit liquors were recovered and on the disclosure of the driver and khalasi of the said truck the petitioner and two others were apprehended saying that they are the owner of the vehicle.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case on mere allegation that the illicit liquor had arrived on his asking. It is further submitted that the petitioner is neither the owner of the vehicle nor has any concern with the said illicit liquor. The petitioner is in custody since 20.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case and the submissions of learned counsel for the petitioner that the petitioner was not found in the vehicle from which illicit liquors are said to have been seized, he has been falsely implicated in this case on mere allegation that the liquor had arrived on his asking, the petitioner is neither the owner of the vehicle nor has any concern with the said illicit liquor, he has no criminal antecedent and has remained in jail since 20.10.2020, investigation against him is complete and at this stage there is no submission on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released 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 Sessions Judge-cum-Special Judge (Excise Act), Araria, in connection with Special Case No. 890 of 2020 arising out of Narpatganj P.S. Case No. 477 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

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'.

