

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7222 of 2021**

Arising Out of PS. Case No.-332 Year-2020 Thana- GAURICHAK District- Patna

=====

MOHIT KUMAR Son of Sushil Paswan Resident of Mohalla/Village-
Domachak, P.S.- Masaurhi, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Ram Babu, Adv.

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

=====

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

2 29-04-2021 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 learned

APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Gaurichak P.S. Case No. 332/2020,

Special Case No.5840/2020 registered for the offences

punishable under Section 30(a) of the Bihar Prohibition and

Excise Act, 2016.

The prosecution story in brief is that while the

informant who is A.S.I. of Gaurichak P.S. was on patrolling duty

at 8.30 hours, he got a secret information that one tempo driver

along with other persons was carrying illegal wine in a bag. On



receiving this information the informant proceeded for verification of the same along with other personnel near Gaurichak Chauraha and saw that one tempo from Beldari chak was coming. It is further alleged that on seeing the police party the tempo driver tried to escape by driving the tempo speedily, but on chase he was caught and on interrogation he disclosed his name as Mohit Kumar Paswan (the petitioner). Thereafter on search 100 liters of illicit liquor were recovered from the tempo.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel submits that no illicit liquor has been recovered from the conscious possession of the petitioner. It is submitted that prior to the present case the petitioner had no criminal antecedent and he has remained in jail in connection with this case since 05.10.2020.

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 wherein it appears from the materials on the record that the petitioner was arrested and from three bags 100 liters of illicit wine were recovered from the tempo in question, the petitioner has remained in jail in connection with this case since



05.10.2020, prior to the present case he had no criminal antecedent as stated in paragraph '3' of the application and the investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing bail bonds 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, Patna, in connection with Gaurichak P.S. Case No. 332/2020, Special Case No.5840/2020, 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)

arvind/rajeev

U		T	
---	--	---	--

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'.

