

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7068 of 2021**

Arising Out of PS. Case No.-26 Year-2020 Thana- DHANSOI District- Buxar

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GOPAL CHAUDHARY Son of Late Ishwardayal Chaudhary Resident of
Village- Samahuta Pokhara, P.S.- Dhansoi, Dist- Buxar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, No. 2, APP

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

2 17-04-2021 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 Dhansoi P.S. Case No. 26 of 2020 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant while on patrolling duty,
searched a Tata Magic and recovered a total of 212 litres and 600
ml foreign liquor and arrested three persons on the spot while one
person fled away.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case merely on confessional statement of the co-accused. It is further submitted that the petitioner has no concern with the seized liquor and magic van. Learned counsel submits that the petitioner has got no criminal antecedent and he is in custody since 18.08.2020.

Learned A.P.P. 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 is the submission of the learned counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of the co-accused, except that there is no material against the petitioner, he has no criminal antecedent and has remained in jail in connection with the present case since 18.08.2020, investigation against him is complete and there is no submission on behalf of the State that the release of the petitioner at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released 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 A.D.J.-II-cum-Special Judge, Excise, Buxar in connection with Dhansoi P.S. Case No. 26 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.

This application stands disposed of accordingly.

(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'.

