

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8813 of 2021**

Arising Out of PS. Case No.-107 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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SARBI CHOUDHARY SON OF SURENDRA CHOUDHARY RESIDENT
OF VILLAGE- CHAMARDIH, P.S.- GAURICHAK, DISTRICT- PATNA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Manoranjan Kumar,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

2 03-05-2021 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 Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Special Case No. 6787 of 2020 arising out of P.R.
No. 107 of 2020 registered for the offences punishable under
Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the
informant who is an S.I. Excise on secret information along with
other police personnel conducted search of tempo and recovered total
90 liters of palm wine from the said vehicle and the petitioner was
arrested.

Learned counsel submits that the petitioner is innocent and



has falsely been implicated in the present case. It is submitted that the seizure list witnesses are not independent witnesses as they are members of the search party. The petitioner is in custody since 28.11.2020 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 wherein it is the submission of learned counsel for the petitioner that so far as this petitioner is concerned, he is said to be the driver of the tempo from which 90 liters of palm wine has been seized, the seizure list witnesses are not the independent witnesses as they are members of the search party, the petitioner is in custody in connection with this case since 28.11.2020, investigation against him is complete and prior to the present case he had no criminal antecedent, this Court directs release of the petitioner above named 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 Special Judge, Excise, Patna, in connection with Special Case No. 6787 of 2020 arising out of P.R. No. 107 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'.

