

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8867 of 2021**

Arising Out of PS. Case No.-118 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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KAMLESH CHAUDHARI Son of Dwarika Chaudhari Resident of Village-
Khanda, P.S.- Sasaram (M), District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Suraj Narayan Yadav, Advocate
Ms. Annu Shree, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-05-2021 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. Dinesh
Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Excise Case No. 118 of 2020 registered for the
offences punishable under Section 30(a) of Bihar Prohibition and
Excise Amendment Act, 2018.

Learned counsel for the petitioner submits that as per the
prosecution story, the informant while was on patrolling duty on
secret information stopped a motorcycle and search the said
motorcycle and seized 100 liters of Mahua wine in two bags and
apprehended the accused person.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that investigation against the petitioner is complete. The petitioner is in custody since 09.08.2020 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 submitted that nothing has been seized from possession of the petitioner, as per allegation, the petitioner was driving the motorcycle from which two plastic bags containing mahua wine were recovered, the submission being that the petitioner is in custody since 09.08.2020, 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, Rohtas at Sasaram, in connection with Excise Case No. 118 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'.

