

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19712 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- MAHNAR District- Vaishali

Pawan Kumar @ Pawan @ Kallu, S/o Sanjit Chaudhari, R/o Village Karnauti,
P.S. Mahnar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mahnar P.S. Case No. 322 of 2021 registered for the alleged offences under Sections 413, 272 and 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

The prosecution case is that the police received secret information about co-accused Hare Ram Chaudhary and Vikas Chaudhary receiving a consignment of illicit liquor at their house and also about presence of 10-12 persons dealing in the business of illicit liquor and a raid was conducted on the



house of the above-named co-accused persons and from the straw houses of the co-accused persons, altogether 1927.95 litres of India made foreign liquor was recovered. It is further alleged that the petitioner and other-co-accused persons escaped from the spot.

The learned counsel for the petitioner submits that nothing has been recovered either from the house or from the possession of the petitioner. The story that the petitioner was identified by the *chowkidar* in the darkness of night is not believable. The petitioner has got no concern with the articles recovered from the house of co-accused persons. The petitioner has been named in the case by the *chowkidar* as the petitioner has/had some heated exchange with the said *chowkidar* a few days back. The learned counsel further submits that charge-sheet has been submitted in this case and the petitioner is in custody since 29.01.2022.

Learned APP opposes the prayer for bail made on behalf of the petitioner submitting that huge quantity of liquor has been seized and the petitioner was dealing in trade of illicit liquor. The petitioner is having criminal antecedents of similar nature.

Having regard to the submissions made



hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his possession and further considering the fact that charge-sheet has been submitted and the petitioner is in custody since 29.01.2022, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the Special Excise Court No. 2, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 322 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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