

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36159 of 2021

Arising Out of PS. Case No.-22 Year-2021 Thana- PANCHRUKHI District- Siwan

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Bablu @ Babalu Chauhan @ Dabalu Chauhan Son of Baidhnath Chauhan @
Vaijnath Mahto Resident of Village - Sonapipar, Police Station - Pachrukhi,
District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in Virtual Court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Pachrukhi P.S.

Case No. 22 of 2021 registered for the offences punishable

under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, total 86.400 liters of

I.M.F.L. has been recovered from the Mustard field.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence and he has



falsely been implicated in the present case. He further submits that it appears from the F.I.R. nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the Mustard field near the house of the petitioner. It is further submitted that charge sheet has been submitted in this case. The petitioner is in custody since 25.02.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail, submitting that petitioner carries four criminal antecedents.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Pachrukhi P.S. Case No. 22 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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