

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42818 of 2021**

Arising Out of PS. Case No.-89 Year-2021 Thana- GURUA District- Gaya

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Gopal Chaudhary S/O Late Bhagat Chaudhary @ Ram Briksh Chaudhary
R/O Village- Gospur, P.S.- Gurua, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

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

2 16-02-2022 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. Madan Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with CIS No. 799 of 2021 arising out of Gurua P.S. Case No. 89 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 17.06.2021. The petitioner has got one criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information, the informant along with other police officials raided the house of this petitioner and



on seeing the police party he fled away. On search of the said place, 10 liters of Mahua wine was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the said case. It is submitted that the recovery is from tube well room of the petitioner which is at a lonely place where the petitioner was not present all the times. The petitioner is in custody since 17.06.2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the alleged recovery of 10 liters of Mahua wine has been shown from the tube well room of the petitioner which is in a lonely place and the petitioner is not present all the times there, further submission that in connection with this case the petitioner has remained in jail since 17.06.2021, the petitioner has got one criminal antecedent in which he is said to be on bail, investigation against him is complete and his presence may be secured in course of trial, 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



Additional Sessions Judge-II-cum Special Judge of Excise Act,
Gaya in connection with CIS Case No. 799 of 2021 arising out
of Gurua P.S. Case No. 89 of 2021, subject to the conditions as
laid down under Section 437(3) Cr.P.C.

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'.

