

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42343 of 2021**

Arising Out of PS. Case No.-349 Year-2020 Thana- BAGHA District- West Champaran

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DHANANJAY KEWAT, S/O GAURISHANKAR KEWAT, R/o village- Ke-
watahiya (Naraipur), P.S.- Bagha (Pathkhauli), District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Gupta, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-02-2022 Learned counsel for the petitioner undertakes to re-

move the defects as pointed out by the Stamp Reporter within

four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr.

Shailendra Kumar, learned APP for the State.

The petitioner in the present is seeking regular bail in

connection with Bagha Patkhauli P.S. Case No. 349 of 2020 reg-

istered for the offences punishable under Section 30(a) of Bihar

Prohibition and Excise Act. The petitioner is in custody since

18.03.2021. He has no criminal antecedent.

Learned counsel for the petitioner submits that as per

the prosecution story, the informant while was on patrolling

duty got information regarding storage of liquor in an orchard.



The informant reached at the given place where on seeing the Police, persons present there started fleeing, on chase three of them were caught and they disclosed the name of the petitioner and others who managed to escape on seeing the Police. The informant recovered 266 litres of Desi liquor from the said orchard.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner has not been apprehended on the spot and he has no concern with the orchard where the alleged recovery of liquor has been made.

Mr. Shailendra Kumar, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the fact that the recovery of 266 litres of Desi liquor is from an orchard, the petitioner has no possession over the said orchard, he has no criminal antecedent and has remained in custody in connection with this case since 18.03.2021, the co-accused Suraj Kumar Rai has already been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 40260 of 2020, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of learned Special Judge, Excise,
West Champaran, Bettiah in connection with Bagha (Patkhauli)
P.S. Case No. 349 of 2020, subject to the conditions as laid
down under Section 437(3) of the 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 an-
tecedent, 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 pur-
pose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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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 web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

