

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.44510 of 2021**

Arising Out of PS. Case No.-54 Year-2021 Thana- PHULWARIA District- Begusarai

Gaurav Kumar, son of Sri Anil Singh, R/O Village- Sokhara, Ward No -1, P.S-
Phulwariya, Dist- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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

2 18-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Anand Kishore Choudhary, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Phulwariya P.S. Case No. 54 of 2021
registered for the offences punishable under Section 414 of the
Indian Penal Code and Section 30(a) of Bihar Prohibition &
Excise Act, 2016. He is in custody since 03.04.2021 having no
criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant alleged
that on 26.03.2021, while he along with other police force were
on patrolling duty, in the meantime, he received information that
the co-accused Dilip Rajak and his son are dealing with illegal



liquor at his house in Sokahara village, thereafter he raided at the house of Dilip Rajak and apprehended them. On search of his house the informant recovered total 52.380 liters of English wine. Thereafter he again received information that Gaurav Kumar (petitioner) and some others are taking away illegal liquor by a Thela to distribute different persons. When the informant and other police personnel reached there, all the accused persons fled away, thereafter the informant recovered 258.40 liters of English liquor from the said Thela.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that so far as this petitioner is concerned, there is no recovery of liquor either from his house or from his possession, however he is in custody since 03.04.2021.

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

Having regard to the submissions and the materials on the record showing that so far as this petitioner is concerned, there is no recovery of liquor either from his house or from his possession, the police has named this petitioner along with three others on the basis of some information that they had been carried some illicit liquor on Thela, but except the information, source of which is not known, no other source of identification or any other



substantive material has been placed before this court to support such allegation against the petitioner, the petitioner has already remained in custody since 3rd April, 2021, investigation against him is complete and his presence may be secured in course of trial, he has otherwise no criminal antecedent, therefore this court directs release of the petitioner above named on bail on furnishing of bail bond 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, Excise Act, Begusarai in connection with Phulwariya P.S. Case No. 54 of 2021, subject to the condition 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

