

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45627 of 2021**

Arising Out of PS. Case No.-58 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

YASWANT SINGH MAURYA, Son of Suruj Singh Maurya, R/o Village-
Tiwai, P.S.- Chainpur, District- Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

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

2 28-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram Sumiran Rai, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Excise Case No. 398 of 2021 arising out of Chand P.S. Case No. 58 of 2021 registered for the offences punishable under Section 30(a), (c), (d) of Bihar Prohibition and Excise Amendment Act. He is in custody since 15.04.2021. The petitioner has got three criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, informant got information that the petitioner is involved in preparation of liquor in his cabin



constructed in his field. The informant reached there and apprehended the petitioner and on search of the cabin, recovered 16.5 litres of country made Mahua liquor, one gas cylinder, one gas stove, three gallon, 2.5 fit plastic pipe, one big vessel, two plastic gallons, one aluminium vessel and polythene packets.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 15.04.2021 and investigation against him is complete.

Learned counsel submits that there is no compliance of the provisions of Criminal Procedure Code in preparation of seizure list.

Mr.Ram Sumiran Rai, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner is accused in three cases from before of similar nature.

Having regard to the materials available on the record showing that the petitioner has got three criminal antecedents of similar nature for recovery of illicit liquor, in the present case 16.5 litres of country made Mahua liquor, one gas cylinder, one gas stove, three gallon, 2.5 fit plastic pipe, one big vessel, two



plastic gallons, one aluminium vessel and polythene packets have been seized from a cabin constructed on the own land of the petitioner, in the nature of materials and the criminal antecedents of similar nature, this Court is not inclined to release the petitioner on bail at this stage. Prayer for bail is, thus, refused.

Let the trial be expedited.

If the trial remains unconcluded within a period of nine months from the date of communication of this order, for no reason attributable to the petitioner, he may renew his prayer for bail in the learned court below itself.

(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 website under the heading 'Judicial Orders Passed During The Pandemic Period'.

