

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38017 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Jainendra Kumar Chaurasiya Son Of Badri Prasad Chaurasiya R/O Village-
Ailay, P.S.- Chand, District- Kaimur At Bhabua

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rajani Kant Pandey, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Durgawati P. S. Case No. 249 of 2021 registered for the offences punishable under Sections 30 (a) and 41 (i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation against the petitioner is to be engaged in trade of illicit wine, the police, in course of vehicle



checking, intercepted an Alto LXI car bearing registration no. UP65AJ-7894. On search, altogether 139.680 litres illicit wine was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his conscious or constructive possession, so far the paper, which is said to have been used by the police to implicate the name of the petitioner is merely an agreement to sale prepared on a stamp paper of Rs. 100/- which does not show that the ownership of the vehicle transferred in favour of the petitioner. It is last submitted that after completion of the investigation, charge sheet has been submitted, though, the petitioner is in custody since 01.04.2022. Learned counsel for the petitioner while concluding his argument, submits that with regard to the antecedent of the petitioner, he has filed an affidavit bringing on record that the petitioner is also found involved in one another case, which could not be mentioned in paragraph 3 of the main petition on account of inadvertence.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on



behalf of the parties and taking into account the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his conscious or constructive possession, apart from the fact that the paper, which is said to have been seized by the police, does not show the ownership of the vehicle in favour of the petitioner and the petitioner is in custody since 01.04.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- VII-cum- Special Judge (Excise) Court no. 2, Kaimur at Bhabua in connection with Durgawati P. S. Case No. 249 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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