

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46111 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

Nandu Gond S/O Bhagwat Gond R/O Village-Dewarji, P.S-Bhabhua, District-Kaimur At Bhabhua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Excise Case No. 383 of 2021 arising out of Chainpur P.S. Case No. 57 of 2021 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act. He has remained in custody since 09.04.2021 and has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was involved in vehicle checking, one motorcycle rider tried to flee after taking turn on seeing the police, but on chase he was caught and disclosed his



name as Nandu Gond (petitioner). It is alleged that from the gallon tied on the carrier of motorcycle bearing registration no. UP67F-7511, 12 liters mahua liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the recovery has been made from a lonely place and the seizure list witnesses are members of the Home Guard as also the petitioner is not the owner of the said motorcycle. The petitioner is in custody since 09.04.2021 and has no criminal antecedent.

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

Having regard to the submission that the recovery of liquors have been made from a lonely place which is near the bank of a river and the seizure list witnesses are members of the Home Guard and further submission that the petitioner is not the owner of the motorcycle which has been seized there and further that the petitioner has no criminal antecedent and has remained in custody in connection with this case since 09.04.2021, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Kaimur at



Bhabhua in connection with Excise Case No. 383 of 2021 arising out of Chainpur P.S. Case No. 57 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 steps 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'.

