

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56525 of 2021

Arising Out of PS. Case No.-201 Year-2021 Thana- PAKARIBARAW District- Nawada

Gobinda Chaudhary, S/o Late Tanku Chaudhary, R/o village- Jamharia, P.S.-
Pakaribrawan (Dhamaul), District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-04-2022 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. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Pakaribarawa P.S. Case No.201 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 12.08.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story 65 liters of country made mahua wine was recovered from an open asbestos room which is situated in an open place far away from the village.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Learned counsel submits that nothing incriminating was recovered from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 12.08.2021 having no criminal antecedent.

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

Having regard to the submission that 65 liters of country made mahua wine has been recovered from an open asbestos room which is situated in an open place far away from the village, the petitioner has no concern with the said recovery, he has no criminal antecedent and has remained in custody since 12.08.2021, investigation against him is complete and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing 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, Nawada in connection with Pakribarawa P.S. Case No.201 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)

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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'.

