

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63525 of 2021

Arising Out of PS. Case No.-76 Year-2021 Thana- TISIAUTA District- Vaishali

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NILESH CHAURASIA Son of Shukla Prasad Chaurasia Resident of Village
and P.O. Loma, Police Station- Tisiauta, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Kalyan Shankar
For the Opposite Party/s :	Mr. Vikash Kumar, SC-11.
	Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-05-2022 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Tisiauta P.S. Case No. 76 of 2011 for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

Altogether 3510.360 litres of Indian made foreign
liquor was recovered from a truck bearing Registration No. RJ-
14GD-1563.

It is submitted on behalf the learned counsel
appearing on behalf of the petitioner that the petitioner was a
passerby and has been falsely implicated in the present case.



Nothing has been recovered from conscious possession of the petitioner. He has no concern either with the manufacturing of liquor or its trade in any manner. Petitioner has clean antecedent and is in custody since 15.07.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the facts and circumstances of the case and allegation made in the F.I.R., specific denial of the petitioner is that he is not the owner of the truck bearing Registration No.RJ-14GD-1563 nor any incriminating article has been recovered from his possession and he is in custody since 15.07.2021 having clean antecedent, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of **Rs.100,000/- (Rupees one lacs)** with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 76 of 2021, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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