

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68823 of 2021

Arising Out of PS. Case No.-222 Year-2021 Thana- GUTHANI District- Siwan

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SUNIL CHAUHAN Son of Fulena Chauhan Resident of village - Enthi, P.S.-
Bankata, Dist.- Deoria (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-05-2022 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
Guthni P.S. Case No. 222 of 2021 for the offence punishable
under Sections 25(1-b)a, 26 and 35 of the Arms Act and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the F.I.R., altogether 143.85 litres of Indian
made foreign liquor was recovered from one vehicle which does
not bear registration number, however it bears Engine number
4019271 and Chassis Number 117189. Petitioner was
apprehended on the spot and seizure list was prepared in his



presence.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was apprehended on the spot and one country made arm was recovered from his possession. He further submits that the alleged vehicle from which huge quantity of liquor was recovered is not registered in the name of the petitioner nor the petitioner is anywhere connected with the said vehicle. He further submits that in spite of seizure being effected, no effort has been taken to find out the owner of the said vehicle based on the engine number by the local authorities, in particular, by the District Transport Officer, Siwan. Petitioner is resident of U.P. and is in custody since 23.09.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that petitioner himself admits that he is resident of U.P. He was apprehended on the spot not only with the liquor but also with one country made arm. Petitioner is involved in illicit trade of liquor and he has been apprehended while he has smuggled different brands of liquor to be sold inside the territory of U.P. Hence the petitioner does not deserve to be released on bail.

It is submitted on behalf of the petitioner that the petitioner will file his personal undertaking that he will



cooperate with the prosecution and further he will disclose the manner in which the present vehicle was seized after his release before the IG/Prohibition and to that effect a report will be filed before the Registrar General, if this case is disposed of.

Considering the allegation made in the F.I.R., no determination has been made with respect to the owner of the car, the court below is directed to obtain a report from the District Transport Officer, Siwan and if the report gives information about the owner and the court finds that the petitioner is not the owner of the car mentioned above, the petitioner be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II cum Special Judge, Excise, Siwan in connection with Guthni P.S. Case No. 222 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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