

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44021 of 2023

Arising Out of PS. Case No.-418 Year-2020 Thana- MAIRWAN District- Siwan

SANTOSH CHOUHAN, son of Rambilash Chouhan, resident of Village-Sumerpur, P.O.- Bisunpura Bazar P.S.- Mairwa Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Learned counsel for the petitioner is permitted to make necessary correction in paragraph '1' of the application.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner, in the present case, is seeking pre-arrest bail in connection with Mairwa P.S. Case No.418 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. The petitioner has got four criminal antecedents and in all the cases he is said to be on bail as per the statement made in paragraph '3' of this application.

4. As per the prosecution story, on 29.12.2020 at about 3.00 am while the informant was on night patrolling duty at Nuatan More Nahar Pul he saw a car coming from Maidania



and on seeing the police party the driver has stopped the car and two persons started fleeing away from the car. It is alleged that on search 172.800 ml illicit liquor were recovered from the car.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the car from which the recovery has been made does not belong to the petitioner.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Having regard to the submission that the illicit liquor in this case has been recovered from a car (Tata Indigo) which does not belong to this petitioner, the petitioner has been earlier granted bail in connection with Mairwa P.S. Case No.238 of 2021 vide Annexure- '2' and had been in judicial custody for about one year but during this period he was never taken on remand in the present case or produced before the court, at this stage, considering the submission that there is no recovery from conscious possession of the petitioner and during his judicial custody for a period of about one year he was not produced in connection with this case, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail



bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Siwan in connection with Mairwa P.S. Case No. 418 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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