

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82902 of 2024

Arising Out of PS. Case No.-172 Year-2024 Thana- GOPALPUR District- Gopalganj

=====

Rajan Chauhan Son of Ramprit Chauhan Resident of vill-Shahpur,
Pakadiyar,P.S-Gopalpur,Distt.- Gopalganj Petitioner/s
Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Deepankar Raj, Adv.

For the Opposite Party/s : Mr. Jitendra Kr. Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 Heard Mr. Deepankar Raj, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in judicial custody in connection with Gopalpur P.S. Case No. 172 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 30.07.2024 by the informant, Nav Prabhat.

3. As per the prosecution story, the informant alleged that during patrolling and upon secret information, the place was raided and near the bushes, there is recovery/seizure of 221.200 litres of country made liquor which led to the FIR/arrest.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, the *Chaukidar* due to enmity has named him only because he has criminal antecedent, is in custody since 20.09.2024 (para-4 of



the petition). The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.15,000/- (Fifteen thousand) to the District Consumer Forum, Gopalganj, for installation of steel benches in its campus for the litigants.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Considering the submissions put forward by the parties as also the fact that as per the petitioner is in custody since 20.09.2024, nothing has been recovered from his conscious possession, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 15,000/- (Fifteen thousand) through Bank draft issued by the local State Bank of India to the District Consumer Forum, Gopalganj, for installation of steel benches in the campus and a receipt thereof has to be submitted before the Trial court, Gopalganj.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. District & Sessions Judge-IV-cum-Exclusive Special Excise Court No.II, Gopalganj in connection with aforesaid P.S.



Case subject to the following conditions:

- (i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his bona fide;
- (ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;
- (iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;
- (iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;
- (v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

perwez

U		T	
---	--	---	--

