

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22747 of 2021**

Arising Out of PS. Case No.-519 Year-2020 Thana- DHAKA District- East Champaran

PAWAN KUMAR Son of Madan Giri @ Madan Das Resident of Village-
Mahangua, P.S.- Kundwachainpur, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 31-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and

Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Dhaka P.S. Case No. 519 of 2020 registered

for the offences punishable under Section 414, 34 of the Indian

Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution story, on the basis of secret

information the informant along with police officials reached at

Barewa, on seeing the police party three persons standing near

Bolero vehicle started fleeing away, but on chase they were

apprehended and disclosed their name as Rakesh Kumar, Pawan

Kumar (the petitioner) and Krishna Sahani. From the possession of the petitioner one mobile phone was recovered. On search 765 liters of illicit liquor were recovered from the Bolero vehicle and 270 liters were recovered from the field of one Safiullah.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, recovery of illicit liquor is from the Bolero vehicle and the field and not the conscious possession of the petitioner, seizure list has not signed by the independent witness and petitioner is in custody since 23.12.2020 having no criminal antecedent.

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

Considering the facts and circumstances of the case wherein 675 liters of Nepalese liquor were recovered from the Bolero vehicle and 270 liters of Nepalese liquor were recovered from the field of one Safiullah, petitioner is in custody in connection with this case since 23.12.2020 having no criminal antecedent, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge,

Excise Act, East Champaran, Motihari in connection with Dhaka P.S. Case No. 519 of 2020, subject to 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)

Rajeev/-

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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'.