

(2021) 02 PAT CK 0006

Patna High Court

Case No: Criminal Miscellaneous No. 36939 Of 2020

Dhiraj Chauhan @ Billa

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Feb. 2, 2021**Acts Referred:**

- Bihar Prohibition And Excise Act, 2016 - Section 30(a)

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Rajendra Kumar Deo, Rana Randhir Singh**Final Decision:** Disposed Of

Judgement

1. Heard Mr. Rajendra Kumar Deo, learned counsel for the petitioner and Mr. Rana Randhir Singh, learned Additional Public Prosecutor (hereinafter referred to as the "APP"™) for the State.

2. The petitioner is in custody in connection with Rohtas PS Case No. 296 of 2019 dated 15.11.2019, instituted under Section 30(a) the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that when the police reached the place of occurrence, one person ran away and they recovered 30 litres mahua liquor and one motorcycle along with mobile from the spot and it transpired that the petitioner was the person who had fled away.

4. Learned counsel for the petitioner submitted that he has been falsely implicated as there is no eye witness and only on hearsay information. It was submitted that no recovery has been made from the possession of the petitioner or from any property owned by him. It was submitted that the

petitioner is in custody since 20.06.2020.

5. Learned APP submitted that the petitioner has three other cases against him.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail

upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd

Additional District and Sessions Judge, Rohtas, Sasaram-cum-Special Court Excise, Rohtas, Sasaram in Rohtas PS Case No. 296 of 2019, subject to

the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to

good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal

activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions

of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court

on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his

bail bonds.

7. The application stands disposed off in the aforementioned terms.