

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17819 of 2017

Arising Out of PS. Case No. -508 Year- 2016 Thana -AMARPUR District- BANKA

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Sanjiv Choudhary @ Sanjiv Kumar Choudhary, son of Ramanand Choudhary, resident of village Mahauta, P.S. Amarpur, District Banka

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 11-04-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 17.01.2017 in connection with Amarpur P.S. Case No. 508 of 2016 for the offences alleged under Sections 30(a) and 32(ii) of the Bihar Prohibition and Excise Act, 2016.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion and he is not named in the first information report which is against the owner and driver of Sumo vehicle and 2 or 3 unknown persons. There is no eye witness to the alleged occurrence and there is neither any recovery of the offending goods from his conscious possession nor he has been seen in the vehicle by anyone. The petitioner's name has surfaced on the extra-judicial confession of co-accused Sudhansu Mandal @ Sumit Kumar, who is said to be the driver of the vehicle and, in turn, has been granted bail by this Court in Cr. Misc. No. 11844 of 2017. Statement is made at the Bar on instructions that the petitioner is neither the owner nor the driver of the vehicle in question. It is stated that the petitioner is on bail in respect of other prior cases, namely, Amarpur P.S. Case No. 18 of 2010 and Amarpur



P.S. Case No. 342 of 2016 in which he has been made accused.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, 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 Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 508 of 2016 with the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

B.T/Chandran

(Vikash Jain, J)

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