

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74710 of 2019

Arising Out of PS. Case No.-659 Year-2019 Thana- DANAPUR District- Patna

ANUP CHAUDHARY @ ANUP KUMAR CHAUDHARY Son of Deep Lal Chaudhary Resident of Bhatta Road, Panchvati Nagar, P.S.-Danapur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 659 of 2019 dated 22.8.2019, registered at Police Station Danapur under Sections 30(a) of Bihar Prohibition and Excise Act.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

Petitioner is alleged to have been involved in sale of contra-band liquor and there is recovery of 45 litres of foreign liquor which fact is seriously disputed by the petitioner on the ground that the alleged recovery is not from his physical



possession. Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime to deny bail.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; and is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 23.8.2019. At this stage petitioner is not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of A.D.J.-cum-Special Judge, Patna in connection with Danapur P.S. Case No.659 of 2019, on the following conditions:-

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

(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 bonds 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.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

K.C.Jha/-

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