

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82703 of 2019

Arising Out of PS. Case No.-709 Year-2019 Thana- KAHALGAON District- Bhagalpur

Shibu Choudhary @ Shiv Kumar Choudhary Son of Anarsi Choudhary
Resident of Village- Purab Tola, Ward No.15, P.S.- Kahalgaon, Distt.-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Pravina Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in **Kahalgaon**
P.S. Case No. 709 of 2019, registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

19 litres of foreign liquor is alleged to have been
recovered from the bush situated in southern side of the house
of petitioner.

It is submitted by learned counsel appearing on behalf
of petitioner that petitioner has falsely been implicated in this
case. Nothing has been recovered from conscious possession of
the petitioner. Petitioner has no concern with the recovered



liquor. Recovery is made from the bush near the house of petitioner which is accessible to general people. Section 100 Cr.P.C has not been followed. Petitioner has got clean antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional Sessions Judge II-cum-Special Judge, Excise Act, Bhagalpur** in connection with **Kahalgaon P.S. Case No. 709 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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