

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2348 of 2020

Arising Out of PS. Case No.-212 Year-2019 Thana- ADAPUR District- East Champaran

Jamun Chaudhary, Son of Late Mahabir Chaudhary, Resident of Village -
Shyampur Bazar, P.S.- Adapur, Distt - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-02-2020 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Adapur P.S. Case No. 212 of 2019 registered for the offence(s) punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and (Excise) Amendment Act.

The prosecution case is that the informant received information about selling of illicit wine by two accused persons, when police reached the spot two accused persons including the petitioner threw their bags and fled away. On search, one bag containing 31 pieces of wine, each of 300 ml and another bag containing 25 pieces of wine, each of 300 ml were recovered. Witness Ajay Kumar disclosed the names of the two accused persons as Jamun Chaudhary (petitioner) and Shambhu Chaudhary.



It is submitted on behalf of the petitioner that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered either from the conscious possession of the petitioner or from the house of the petitioner. The alleged recovery has been made from an open place and not belongs to the petitioner. It is further submitted that the petitioner is an old man aged about 70 years having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as the nature of accusation, in the event of arrest or surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge under Excise Act, East Champaran in connection with Adapur P.S. Case No. 212 of 2019 on the following conditions:

“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

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



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

(Prabhat Kumar Singh, J)

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