

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23188 of 2020**

Arising Out of PS. Case No.-248 Year-2019 Thana- KHARIK District- Bhagalpur

Sanjay Choudhary Son of Late Ramanand Rai Resident of Village-Marwa,
P.S.-Jhandapur (Bihpur), District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 09-09-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Kharik P.S. Case No. 248
of 2019, registered for the offence under Sections 30(a)/38(1)
of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per F.I.R., altogether 1172.52 liters of foreign
liquor are said to have been recovered from a vehicle namely
Tata-407, bearing Reg. No. JH04L-2027. It is alleged that all the
accused persons, including petitioner, fled away from the spot
taking the advantage of darkness. Subsequently, petitioner was
remanded in this case on 19-06-2020.

It is submitted on behalf of petitioner that petitioner is
innocent and he has falsely been implicated. It is further
submitted that nothing has been recovered from the conscious
possession of the petitioner. In fact, petitioner was not present at



the time of raid and was not arrested on the spot. Petitioner has no concern either with the seized liquor or seized vehicle. It is further submitted that petitioner has been remanded in this case on 19-06-2020 and since then, he is in custody.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge (Excise Act), Bhagalpur in connection with Kharik P.S. Case No. 248 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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