

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18286 of 2021

Arising Out of PS. Case No.-36 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Dinesh Chaurasiya (M) aged about 48 years, S/o Late Jyoti Chaurasiya R/o
village- Baghi, P.S.- Town, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Begusarai Muffasil PS Case
No. 36 of 2019 instituted for the offence under Sections 414 and
290 of the Indian Penal Code and Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, as per self statement of Manish
Kumar Singh, S.H.O. of Singhaul O.P. recorded on 22.01.2019
at 3.30 A.M., is to the effect that on 21.01.2019 at 10.15 P.M.
during patrolling, he along with other police personnel entered



into the campus of Gauri Shankar Chaudhary and from there two persons were apprehended, who disclosed their name as Md. Imran and Sanjeet Poddar and others managed to escape from the scene. Altogether 1175.82 litres of Indian Made Foreign Liquor were recovered. The apprehended co-accused persons named other persons including the petitioner.

It is submitted by learned counsel for the petitioner that Kanhaiya Kumar @ Kanhaiya, Sudhanshu Kumar, Priyansu Kumar and Himanshu Kumar, who were also named by the apprehended co-accused persons, have been granted anticipatory bail by a Co-ordinate bench of this Court vide order dated 13.05.2019, passed in Cr. Misc. No. 31366 of 2019 and recovery cannot be treated from the conscious physical possession of the petitioner. As per disclosure made in paragraph No.3 of the bail petition one case, under the Excise Act, is pending against the petitioner in which he is on bail. Petitioner is in custody since 29.11.2020.

The learned APP representing the State has opposed the prayer for bail. It is submitted that petitioner managed to escape from the place of seizure.

Considering the fact that the seizure has been made from the premises of Gauri Shankar Chaudhary and similarly situated



co-accused persons have been granted anticipatory bail by Co-ordinate Bench of this Court, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 the learned 2nd Additional Sessions Judge-cum-Special Judge Excise Act, Begusarai, in connection with Begusarai Muffasil PS Case No. 36 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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