

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22263 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- BENIPATTI District- Madhubani

1. RAJAN CHAUDHARI Son of Late Ram Babu Chaudhari Resident of Village - Pahsaul, P.S.- Katra, Distt.- Muzaffarpur.
2. SHANKAR CHAUDHARY @ SHANKAR KUMAR CHAUDHARI SON OF LATE KISHORI CHAUDHARY Resident of Village - Dahiya, P.S.- Arer, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narayan Singh

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-03-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek bail in Benipatti P.S. Case No. 12/2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act and Section 272/273 of the Indian Penal Code.

As per the prosecution case, during checking of vehicle, one motorcycle and one three wheeler (tempo) were intercepted and four persons including these petitioners were arrested and upon search from tempo 243 litres of Nepali Saufi liquor and from motorcycle which belongs to petitioner No. 1, 27 litres of Nepali Saufi liquor have been recovered.



It is submitted on behalf of the petitioners that nothing has been recovered from the possession of the petitioners. Petitioner No. 2 was simply a co-passenger and he is neither the driver nor the owner of the tempo in question. Petitioners have got clean antecedents and they are in custody since 30.01.2021.

Considering the fact that nothing has been recovered from the possession of the petitioners, coupled with the fact that they bear clean antecedent, the bail petition of the petitioners is allowed. Let the petitioners above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned 2nd Additional District and Sessions Judge cum Special Judge, (Excise Act), Madhubani, in connection with Benipatti P.S. Case No. 12/2021, subject to following conditions:-

(1) Petitioners 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 on their absence on two consecutive dates without sufficient reason, their bail-bonds shall be cancelled by the Court below.

(2) If the petitioners tempers 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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