

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33143 of 2021

Arising Out of PS. Case No.-138 Year-2019 Thana- VAISHALI District- Vaishali

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SANJAY CHAUDHARY Son of Late Jagdish Chaudhary R/O Totaha, P.S. -
Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 15-06-2021 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Section 30(a), 32(ii), 41(i) of the Bihar Prohibition and Excise Act.

It is alleged in the written report that on getting secret information, police party reached at the place of occurrence and arrested Kira Ram and other managed to flee away. It is alleged that co-accused Kira Ram disclosed name of all the accused persons who were unloading illicit liquor from the truck and fled away after seeing the police party. On search total 6201 litres of illicit liquor were recovered from the aforesaid truck. Seizure-list is part of F.I.R., from which it appears that recovery of illicit liquor has been made from the

land of Dayashankar Singh, which is alleged to be given by him to his son-in-law Manish Kumar.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case on mere suspicion only. Nothing has been recovered from the possession of the petitioner rather recovery has been made from the poultry farm and rice mill of co-accused Manish Singh. It has been further submitted that co-accused Kira Ram on whose confessional statement the name of the petitioner has surfaced in this case has already been granted bail by a co-ordinate bench of this Court vide order dated 10.07.2019 passed in Criminal Miscellaneous No. 41310 of 2019.

Petitioner has got no criminal antecedent and is in custody since 24.01.2021.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Vaishali PS Case No. 138 of 2019**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed

by the court.

(3) 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.

(4). If the petitioner is found involved in similar nature of offence, after his/her release on bail, the trial court shall take steps to cancel his/her bail bonds.

(S. Kumar, J)

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