

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1896 of 2021

Arising Out of PS. Case No.-430 Year-2020 Thana- SITAMARHI District- Sitamarhi

RAJ KUMAR CHAUDHARY SON OF BODH NARAYAN CHAUDHARY
RESIDENT OF VILLAGE PREM NAGAR, P.S- RUNNI SAIDPUR,
DISTRICT-SITAMARHI, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Falakyar Askari Mr. Ashish Kumar Ranjan Mr. Zeya Ismail
For the Opposite Party/s :		Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-03-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Sitamarhi P.S. Case No. 430 of 2020, registered for the offence punishable punishable under Section 414/34 of the Indian Penal Code and sections 30(a), 36 of the Bihar Prohibition and Excise Act, 2016.

On 17.08.2020, during course of patrolling, three wheeler tempo was intercepted and 135 litres of foreign liquor was recovered and petitioner being driver was apprehended on the spot.

It is submitted that nothing has been recovered from conscious possession of this petitioner. Petitioner has no concern with the seized liquor. Petitioner being driver of the



vehicle was no aware of nature of consignment. Petitioner is in custody since 17.08.2020 and bears clean antecedent, as stated in para 3 of the petition. Chargesheet has already been submitted.

Considering the period of custody coupled with the fact that petitioner bears clean antecedent, the petitioner above-named, is directed to be enlarged 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 Additional Sessions Judge II-cum-Special Judge (Excise), Sitamarhi in connection with Sitamarhi P.S. Case No. 430 of 2020, subject to following conditions:-

(i) The petitioner 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 and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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