

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9831 of 2021

Arising Out of PS. Case No.-946 Year-2020 Thana- ARARIA District- Araria

CHANDESHWAR CHOUDHARY SON OF LATE YOGENDRA
CHOUDHARY MOHALLA- OMNAGAR, WARD NO.-08, P.S. ARARIA,
DISTRICT- ARARIA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-06-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Araria P.S. Case No. 946
of 2020 corresponding to Special Case No. 977 of 2020,
registered for the offence punishable punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

103.500 litres of foreign liquor has been recovered
from Magic van and Hundai car and this petitioner who was
sitting in the Magic van was arrested on the spot.

It is submitted that petitioner has falsely been



implicated in this case. Nothing has been recovered from conscious possession of this petitioner. Petitioner is neither the driver nor the owner of the vehicles in question and he was simply a co-passenger and has got no concern with the seized liquor. The mandatory provision of section 100 Cr.P.C has not been followed. Petitioner is in custody since 20.11.2020 and bears clean antecedent, as stated in para 3 of the petition.

Considering the facts and circumstances of the case, 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 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria P.S. Case No. 946 of 2020 corresponding to Special Case No. 977 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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