

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4084 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- BUXAR INDUSTRIAL District- Buxar

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SUJEET CHAUHAN, S/o Lakshman Chauhan R/o Village - Jagdishpur, P.S. -
Buxar Mufasil, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kuber Pathak, Advocate
		Mr. Sanjay Kumar, Advocate
For the Opposite Party/s :		Mr. Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Buxar Industrial Area P. S. Case No. 130 of 2021, registered for the offences punishable under Section 30(a)(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 25 litres of country made liquor in a blue coloured gallon was recovered from a Hyuindai Car bearing Registration Number UP11W-5213.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Further, it has been submitted that the



implication of the petitioner in the alleged offence is based on the confessional statement of co-accused. He has further submitted that two co-accused persons, namely, Lalu Yadav and Rajesh Paswan have already been granted bail by a Bench of this Court. The case of the petitioner is on better footing. It has further been submitted that the petitioner has been made accused in one more case of similar nature, in which he is on bail.

The petitioner is in custody since 06.12.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

The petitioner is an accused of Dhansoin P. S. Case No. 189 of 2021, instituted for the offences punishable under Section 37(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

However, the learned APP for the State has opposed the prayer for bail.

In view of the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum 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, Buxar, in connection with Buxar Industrial Area P. S. Case No. 130 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the



bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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