

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11466 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- HATHIDAH District- Patna

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MANGAL KUMAR CHOUDHARY S/o Rajdeo Chaudhary R/o Damariya,
P.O.- Anishabad, P.S.- Gardhanibagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Hathidah
P.S. Case No. 69 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.09.2021.

The allegation against the petitioner is to drive a
vehicle bearing Registration No. BR01PA-2375, loaded with
360 litres of illicit foreign made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that nothing surfaced during course of the



investigation, which may suggest that the petitioner was under knowledge as regard to the illegal consignment of illicit liquor being a driver of the vehicle. It has further been submitted that the petitioner is a man of clean antecedent and nothing recovered from the conscious possession of the petitioner. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is driver of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner, who is man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Hathidah P.S. Case No. 69 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Barh (Patna), subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the



Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Rajdev Choudhary, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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