

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11756 of 2022**

Arising Out of PS. Case No.-266 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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MANOJ CHAUDHARY SON OF BISHO CHAUDHARY R/O -
SAHEBPUR KAMAL, TARBANNA, P.S.- SAHEBPUR KAMAL,
DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Sahebpur Kamal P.S. Case No. 266 of 2021 registered for the
offences punishable under Sections 30(a)(c) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, the acquisition against the
petitioner is that five litre country made liquor was recovered
from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.10.2021. Petitioner bears



criminal antecedent of two cases of similar nature as mentioned in Para 3 of the bail petition in which he is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner has falsely implicated in this case at instance of co-villagers who have inimical term with the petitioner. Seizure list was not prepared in accordance with law. The seizure list witnesses are police personnel.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge-II-cum-Special Judge Excise Act, Begusarai in connection with Sahebpur Kamal P.S. Case No. 266 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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