

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12465 of 2022

Arising Out of PS. Case No.-213 Year-2021 Thana- ATRI District- Gaya

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Pappu Chaudhary @ Pappu Kumar Son of Rajdev Chaudhary Resident of
Village- Belasar, P.S.- Atri, District- Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 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 Atri P.S.
Case No. 213 of 2021 registered for the offence under Sections
272 and 273 of the Indian Penal Code and Section 30 (a)(d) of
Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.11.2021.

The allegation against the petitioner is to involve in
the illegal business of illicit country made liquor where there is
recovery of 20 liters of country made liquor and a total of 1200
liters of Mahua and Jaggery mixture, which was destroyed
thereof.



Learned counsel appearing on behalf of the petitioner submitted that the the recovery is made from an open place i.e., field, which belongs to one Dinesh Chaudhary. It has further been submitted that nothing surfaced during the course of investigation, which may connect the petitioner with alleged recovery. It has further been submitted that petitioner is involved in three other cases in which he is on bail.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery is made from an open place.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner as the same has been made from an open place, let the petitioner, above named, is directed to be released on bail in connection with Atri P.S. Case No. 213 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 Exclusive Special Excise Judge, Court No.1, Gaya, subject to the following conditions:

“(i) That accused/petitioner shall
not involve in the similar nature of offence
till the conclusion of trial, failing the State



shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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 Chaudhary, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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