

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15433 of 2022

Arising Out of PS. Case No.-314 Year-2020 Thana- AWTARNAGAR District- Saran

Jay Prakash Choudhary @ Jhallu Choudhary Son of Shri Ram Chandra Choudhary Resident of Village - Kamalpur, P.S.- Awtarnagar, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 11-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Awtarnagar P.S. Case No. 314 of 2020 lodged under Section 30/30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery of 60 liter wine is subject matter of the present case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence, nothing was recovered from his possession. He submits that the said recovery was alleged to be made outside of petitioner's house in the open space. He further submits that petitioner is in custody

since 04.12.2021 having 6 criminal cases pending against him, in which he is on bail 4 cases and in the rest of the cases, he is persuading for bail. He also submits that petitioner was not apprehended from the place of occurrence.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Session Judge, Excise, Saran, Awtarnagar in connection with Awtarnagar P.S. Case No. 314 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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