

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16404 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- NATHNAGAR District- Bhagalpur

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Gautam Choudhary @ Gautam Kumar Choudhary @ Gautam Chaudhari Son
Of Late Dinesh Choudhary @ Late Dinesh Chaudhari Resident Of Village -
Rannuchak, P.S.- Nathnagar, Distt.- Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 in virtual court proceeding.

The petitioner seeks regular bail in connection with
Nathnagar P.S. Case No. 178 of 2021 registered for the offences
punishable under Sections 25(1-b)a/26 of Arms Act and 30(a) of
the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
160.140 litre foreign liquor from the vehicle and house of the
petitioner and petitioner fled away from the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 29.01.2022 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner has not concern with recovered liquor and he has not been apprehended on the spot. Nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been falsely implicated in this case. Seizure list has not been prepared as law.

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

Considering the facts and circumstances of the case, period of custody, keeping in view the clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioner has not been apprehended on the spot and the material available on record, let the petitioner above named be released on bail 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, Exclusive Excise Court No. -2, Bhagalpur in connection with Nathnagar P.S. Case No. 178 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 without appropriate permission, 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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