

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16448 of 2022**

Arising Out of PS. Case No.-549 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

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BABALU CHAUHAN S/o Late Nagina Chauhan Resident of Village-
Khurmabad, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni

For the Opposite Party/s : Mr.Pushpa Sinha

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 15-07-2022 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 Siwan
Muffasil P.S. Case No. 549 of 2021 registered for the offences
punishable under Sections 30(a)/38(1)/41(1) of Bihar
Prohibition and Excise Act.

As per prosecution case, total 1987.16 litres of
illegal liquor was seized from the vehicle in question and the
driver managed to flee away.

Learned counsel for the petitioner submits that
petitioner is in custody since 25.12.2021. Petitioner bears
criminal antecedent of one case. 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 is not apprehended on spot and he is neither the driver nor Khalasi, nor owner of the vehicle in question. The name of petitioner has transpired in the instant case on the basis of statement made by one spy during course of investigation which is mentioned in Para 49 of the Case diary. .

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, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, 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 A.D.J. Special Excise-2, Siwan in connection with Siwan Muffasil P.S. Case No. 549 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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