

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16996 of 2022

Arising Out of PS. Case No.-167 Year-2020 Thana- SAMASTIPUR District- Samastipur

LALAN CHOUDHARY @ LALAN CHAUDHARY Son of Late Mahabir
Choudhary Resident of Mohalla - Magardahi Ghat, P.S. - Samastipur Town,
District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Arun Kumar Singh

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
Samastipur (Town) P.S. Case No. 167 of 2020 (Excise G.R. No.
700 of 2020) registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 28 litres of country made
liquor in a plastic sack hidden under the firewood was recovered
adjacent to the petitioner's shop.

Learned counsel for the petitioner submits that
petitioner is in custody since 07.12.2021. Petitioner bears



criminal antecedent of one case of similar nature. 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 alleged illicit liquor has not been recovered from the conscious possession of the petitioner. The alleged liquor has been planted behind the petitioner house in order to implicate the petitioner in the present case and there is no independent witness.

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 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 Special Judge, Excise Court 1st, Samastipur in connection with Samastipur (Town) P.S. Case No. 167 of 2020 (Excise G.R. No. 700 of 2020), 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)

amitkr/-

U		T	
---	--	---	--

