

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17630 of 2022

Arising Out of PS. Case No.-170 Year-2019 Thana- SAHPUR District- Bhojpur

GYANCHAND CHAUDHARY S/o Ramdhan Chaudhary R/o Village- Horil
Chapra, P.S.- Shahpur, District- Bhojpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh

For the Opposite Party/s : Mr.Md. Nazir Ansari

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 Shahpur
P.S. Case No. 170/2019 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
total 122.4 liters English wine from the Bhagar river at Horil
Chapra village. The petitioner and co-accused, Ravindra
Chaudhary were not apprehended on the spot and they were
identified by Mahal Chaukidar.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot and he was identified by the Mahal Chaukidar. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has neither concerned with the seized liquor nor from the said place where the recovery was made. The seizure list has not been made as per law. The petitioner is languishing in custody since 21.12.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, period of custody, the petitioner was not apprehended on the spot, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration 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 Additional Sessions Judge XI cum Exclusive Special Excise Court-II, Bhojpur at Ara in connection with Shahpur P.S. Case No. 170/2019, 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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