

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18037 of 2022

Arising Out of PS. Case No.-692 Year-2021 Thana- MUFFASIL District- West Champaran

Dinesh Chaudhary, Son of Babu Lal Chaudhary, Residnet of Village -
Patarakha, P.S.- Manuapul (O.P.), District - West Champaran, Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bettiah Muffasil Manuapul O.P. Case No. 692 of 2021 registered for the alleged offences under Section 30(a), of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on getting information that the petitioner and other co-accused were selling country made liquor, the place was surrounded and the petitioner was apprehended from the spot. Total 7 litres of country made chulai liquor was recovered from this petitioner.



The learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner and he has been falsely implicated in this case. Alleged recovery has been made from a vacant field and the petitioner has got no concern with the same. While making the seizure list, the provisions of Section 100 Cr.P.C. have not been complied. The charge-sheet has been submitted in this case and the petitioner is in custody since 18.11.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is habitual offenders.

Having regard to the submissions made hereinabove and considering the fact that the charge-sheet has been submitted in this case and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Bettiah, West Champaran in connection with Bettiah Muffasil Manupul O.P. Case No. 692 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) Petitioner will not commit similar type of offences in future.

(v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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