

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18172 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- BEERPUR District- Begusarai

Harekrishna Chaurasiya Son Of Ramanuj Chaurasiya @ Ram Kumar
Chaurasiya R/O Village- Birpur, P.S.- Birpur, District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.A.G

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 bail in connection with Birpur
P.S. Case No. 156 of 2021 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of
621 litre foreign liquor from the orchard. It is further submitted
motorcycle in question has also been seized and petitioner was
not apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. He is registered owner of the
motorcycle in question and hence, he has been falsely



implicated in this case. He is in custody since 21.01.2022 and bears no criminal history. 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 no concern with the recovered liquor and he was not apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner.

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 was not 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 Exclusive Special Excise Court-I, Begusarai in connection with Birpur P.S. Case No. 156 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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