

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18184 of 2022

Arising Out of PS. Case No.-401 Year-2021 Thana- ATRI District- Gaya

Upendra Chaudhary @ Lotha Son of Late Lal Kishun Chaudhary @
Balmkishun Chaudhary R/O Village- Sahora, P.S.- Atari, District- Gaya

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr. APP

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 Atri P.
S. Case No. 401 of 2021 registered for the offences punishable
under Sections 272, 273 of the Indian Penal Code and 30(a) of
the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 1500 litre Mahua and Kismiss liquid on the bank of the
Paimar river in Saghera village and petitioner along with other
co-accused fled away from the spot. Two local Chowkidars have
identified the names of the petitioner and the other co-accused.

Learned counsel for the petitioner submits that



petitioner is in custody since 22.01.2022 and bears no criminal antecedent. 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 nothing incriminating has been recovered from possession of the petitioner and he has not been apprehended on the spot. The name of the petitioner has been falsely implicated in this case.

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 clean antecedent of petitioner, 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 No. 1, Gaya in connection with Atri P. S. Case No. 401 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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