

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20158 of 2022**

Arising Out of PS. Case No.-399 Year-2021 Thana- VAISHALI District- Vaishali

RAHUL CHOUDHARY @RAHUL KUMAR CHOUDHARY @RAHUL
KUMAR SON OF BAIDNATH CHAUDHARY R/O- VILLAGE-
THIKAHAN MATIYA, P.S.- VAISHALI (BELSAR O.P.), DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur
For the Opposite Party/s : Mr.Yogendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 05-09-2022 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
Vaishali (Belsar O.P.) P.S. Case No. 399 of 2021 registered for
the offences punishable under Sections 420, 467, 468, 471,
120(B), 272, 273 of the I.P.C. and Sections 30(a), 32(ii), 36,
41(i) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 3984.390 litre illicit foreign liquor from the truck as well as
pickup van in question and the apprehended co-accused Sonu
Kumar and others disclosed the name of the petitioner who fled



away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 26.03.2022 and bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner is not apprehended on the spot. Petitioner is neither owner nor driver of alleged vehicle in question. He further submits that co-accused Sonu Kumar who was apprehended on the spot has already been granted bail by the co-ordinate bench of this Court vide Cr. Misc. No. 8130 of 2022 and the case of present petitioner stands on better footing.

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, petitioner is not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted 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.



20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. II cum Additional Sessions Judge, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 399 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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