

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.20889 of 2022**

Arising Out of PS. Case No.-24 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

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Vinod Choudhary @ Bipin Chaudhary S/O Tun Tun Chaudhary @ Rajgir  
Chaudhary R/o village- Daulatpur, P.S.- Sadar Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
ORAL ORDER

2      15-07-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Hajipur  
Sadar P.S. Case No. 24 of 2022 registered for the offence under  
Section 30(a) of Bihar Prohibition and Excise (Amendment)  
Act, 2018.

The accused/petitioner is not named in the F.I.R. and



is in custody since 15.01.2022.

The allegation against the petitioner is to involve in the illegal trading of illicit liquor, where 290 liters of country made liquor was recovered from a tempo.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of secret information received by the police and further nothing surfaced during the course of investigation, which may connect the petitioner with the present set of occurrence. It is submitted that this is not a case of recovery from the conscious physical possession of the petitioner. It is pointed out that petitioner is involved in one another criminal case, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is not a case of recovery of illicit liquor from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not from the conscious physical possession



of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 24 of 2022 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-cum-Additional District and Sessions Judge, Vaishali at Hajipur/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by



the documents.

(iii) That one of the bailors shall be  
Gita Devi, who is the mother of the  
petitioner and deponent of the present bail  
petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-

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