

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22610 of 2022

Arising Out of PS. Case No.-638 Year-2021 Thana- MUFFASIL District- West Champaran

Dinesh Chaudhary Son of Babulal Chaudhary Resident of Village- Patarakha,
P.S- Manuapul (O.P) Distt.- West Champaran, Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-07-2022 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.

The petitioner seeks bail in connection with Bettiah
Muffasil (Manuapul O.P.) P.S. Case No. 638/2021 registered for
the offences punishable under Sections 272, 273 of the Indian
Penal Code and Sections 30(a), 37 (c) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 5000 liters semi prepared illegal liquor from bank of canal,
which was destroyed on the spot. Petitioner was not
apprehended on the spot. Apprehended co-accused, Raju
Chaudhary and Barhu Mukhiya disclosed the name of the
present petitioner who fled away from the place of occurrence



alongwith others.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to dirty village politics and non-fulfillment of illegal demand of police by the petitioner. Petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner sprang up in this case on the basis of confessional statement of co-accused Raju Chaudhary and Barhu Mukhiya. The petitioner is languishing in custody since 22.01.2022 and bears criminal antecedent of five cases of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner was not apprehended on the spot, charge sheet has already been 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. 10,000/- (Rupees Ten 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 (Manuapul O.P.) P.S. Case No. 638/2021, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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