

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23971 of 2022

Arising Out of PS. Case No.-39 Year-2018 Thana- GOVINDPUR District- Nawada

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Pintu Chaudhary, S/o Sargun Chaudhary @ Goga Chaudhary, R/o village-
Narayanpur, P.S.- Barbigha, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Krishna Deo Raj, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Govindpur P.S. Case No. 39 of 2018 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on
an information that a huge quantity of illicit liquor is being
transported from motorcycle and Indica car, intercepted the
motorcycle and Indica Car and on search being made of Indica
Car 320 litres of foreign liquor was recovered, which was found



standing in abandoned condition at village Sarkanda.

It is submitted by the learned counsel appearing on behalf of the petitioner that neither the petitioner was arrested at the spot nor any incriminating material has been recovered from his possession. It is further submitted that so far the alleged recovery, which is shown to be made from the Indica car is concerned, the said car has already been sold to Ramswarup Ram on 15.12.2017 itself and in support of his submission a notarised affidavit pertaining to sale deed of car dated 15.12.2017 has been annexed as Annexure-2 to this petition. It is lastly submitted that the petitioner is in custody since 25.01.2022 having fair antecedent and moreover the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and so far as the Indica car, in question, is concerned, as per submission of the petitioner, the same had already sold to one Ramswarup Ram on 15.12.2017 and this petitioner is in custody since 25.01.2022 having fair



antecedent though the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Nawada in connection with Govindpur P.S. Case No. 39 of 2018 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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