

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24536 of 2022

Arising Out of PS. Case No.-247 Year-2021 Thana- ATRI District- Gaya

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Mohan Chaudhary @ Mohan Chaudhari Sonof Late Gora Choudhary
Resident Of Village - Belsar , P.S.- Atri, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in a case registered in connection
with Atri P.S Case No. 247 of 2021 for the offences punishable
under Sections 272 and 273 of the Indian Penal Code and
section 30(a) of the Bihar Prohibition & Excise Act 2018.

As per the prosecution case, it is alleged that the
police on secret information that some persons are engaged in
trade of illicit liquor raided the place of occurrence and on
search being made 40 liters of illicit country made liquor and
other utensils have been recovered. It is also alleged that on



seeing the police party some of the accused persons fled away out of them the petitioner was identified by the local chaukidar.

It is submitted by the learned counsel for the petitioner that the petitioner was neither arrested on the spot nor any incriminating material has been recovered from person and possession of the petitioner. It is next submitted that the seizure list has been made from an open place which does not belong to the petitioner and the same was accessible to all. It is next submitted that there is other infirmities in preparation of the seizure list and only because of the past criminal antecedent the name of the petitioner has been implicated in this case. It is also submitted that petitioner is in custody since 10.12.2021. It is also submitted that similarly situated, co-accused namely, Dinesh Chaudhary has been granted anticipatory bail in Cr. Misc. No. 4727 of 2022 vide order dated 11.02.2022.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has been involved in two other case of similar nature.

Having heard the rival contentions of the parties and taking into consideration the fact that co-accused having similar allegation has been granted anticipatory bail by co-ordinate bench of this Court and petitioner is in custody since



10.12.2021, though investigation has already been concluded and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court, Gaya in connection with Atri P.S Case no. 247 of 2021 subject to the condition that one of the bailors will be the close relatives 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.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the



petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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