

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24799 of 2022

Arising Out of PS. Case No.-408 Year-2021 Thana- ATRI District- Gaya

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AVDHESH CHAUDHARY SON OF LATE DEWA CHAUDHARY
RESIDENT OF VILLAGE- JOTA, P.S- ATRI, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-08-2022 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 Atri

P.S. Case No. 408 of 2021 registered for the offences punishable

under Sections 272, 273 of the Indian Penal Code read with

Section 30(a)(d) of the Bihar Prohibition and Excise

Amendment Act.

As per prosecution case, there is alleged recovery

of 5 litres country made illegal wine and 500 litres semi liquid

of Mahua and Kismiss from the house of the petitioner.

Learned counsel for the petitioner submits that

petitioner is in custody since 14.02.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered either from the house of the petitioner or from his conscious possession. It appears that so called raid was conducted in absence of the petitioner and his family members. Petitioner is not apprehended on spot. There is no compliance of Section 100 of the Cr.P.C. at the time of raid and no independent witness has put his signature on the seizure list.

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

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, petitioner is not apprehended on spot, and also taking into consideration the material available on record, let the petitioner above named be released on bail 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. – I, Gaya in connection with Atri P.S.



Case No. 408 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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