

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25376 of 2022

Arising Out of PS. Case No.-340 Year-2021 Thana- AMAS District- Gaya

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Rahul Kumar Chaurasiya, S/o Surendra Prasad Chaurasiya, Resident of Jaganpura, New Brahampur Devi Asthan, P.S.- Ramkrishna Nagar, Distt.- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2022 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. Anmol Kumar, 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 Amas P.S. Case No. 340 of 2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that while the police was conducting vehicle checking, on suspicion they intercepted one Tata Indica Car and the petitioner is allegedly found seated besides the driver. On search being made total



146.34 litres of illicit Indian made foreign liquor was seized from the dickey of the said car.

It is submitted by the learned counsel appearing on behalf of the petitioner that neither the petitioner is the owner of the car nor he is the driver of the same, rather as per the allegation levelled in the F.I.R., it is evident that he was only sitting besides the driver of the vehicle. It is next submitted that in fact, on the fateful day, he was taken lift in the said vehicle and, in the meantime, in a vehicle checking, the car was intercepted. It is next submitted that the petitioner is in custody since 13.12.2021 having fair antecedent, though 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 and submits that the recovery has been made from the car, in which the petitioner was found sitting.

Having considered the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 13.12.2021 having fair antecedent, though the investigation of the crime is already completed and the charge-sheet has been submitted and moreover there is no likelihood of commencement of trial in near future, 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, Court No.-2, Gaya in connection with Amas P.S. Case No. 340 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.

(Harish Kumar, J)

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