

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26163 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- GAMAHARIYA District- Madhepura

RAJU CHAUDHARY @ RAJU @ RAJU JAISWAL SON OF LATE
RAMGATI CHAUDHARY R/O- HAROLA, F-8, SECTOR-05, P.S.- NOIDA
SECTOR-20, DISTRICT- GAUTAM BUDDHA NAGAR, UTTAR
PRADESH, PERMANENT RESIDENT OF KISHANPUR, P.S.-
KISHANPUR, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Adv.
For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 420 and 120(B) of the Indian
Penal Code and Section 30(a) and 41(i) of the Bihar
Prohibition and Excise Act.

Recovery is of 3897 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that nothing has
been recovered from the conscious possession of the
petitioner rather the alleged recovery has been made from



the vehicle in question. He further submits that neither the petitioner happens to be driver of the vehicle nor he is said to be owner of the alleged vehicle and he has no concern at all with the alleged recovery. The petitioner is rotting in judicial custody since 24.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gamharia P.S. Case No. 120 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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