

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27057 of 2022

Arising Out of PS. Case No.-284 Year-2020 Thana- MADANPUR District- Aurangabad

Sudina Chauhan @ Bulli Chauhan Son Of Ramnarayan Noniya R/O- Vill-
Jamua, P.S.- Madanpur, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate.
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Vishwa Ranjan Choudhary, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Aurangabad P. S. Case No. 284 of 2020 registered for the offences punishable under Sections 30 (a)(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the Police, on a secret information, raided the house of one Dhananjay Kumar and from a room, two accused persons,



namely Rakesh Kumar and Pankaj Kumar along with 1400 litres spirit, 35 litres of country-made wine and huge empty bottles and caps were recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession, rather the apprehended persons disclosed the name of the petitioner and his associates. It is further submitted that only because of the past criminal antecedent of the petitioner, his name has been implicated in this case and save and except the disclosure made by the apprehended person, there is no other material suggesting the complicity of the petitioner in this case. It is next submitted that this petitioner is in custody since 20.03.2022 and after conclusion of the investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that a huge consignment of spirit and other incriminating material has been recovered.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner



was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover, he is in custody since 20.03.2022 in as much as the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, 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 Special Judge of Excise 1st, Aurangabad in connection with Madanpur P. S. Case No. 284 of 2020, 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.



- (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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