

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27165 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- GAIGHAT District- Muzaffarpur

Aman Chaudhary Son Of Shambhu Choudhary R/O Village- Sarfuddinpur,
P.S.- Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Gaighat P.S. Case No. 71 of 2022 registered for the alleged offences under Sections 272, 273, 414, 420, 467, 468, 471 and 34 of the Indian Penal Code and under Sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act.

As per prosecution case, during checking of vehicles 67.890 liters India made foreign liquor was recovered. The petitioner and other co-accused persons are stated to have fled away from the spot when the vehicles were being checked.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and nothing incriminating has been recovered from his conscious possession. The petitioner has got no concern with the vehicle from which recovery has been made or the recovered contraband. The petitioner has been named in this case on saying of local *chowkidar* who is on inimical terms with the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 03.04.2022. He is having clean antecedent.

Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner fled away from the spot.

Having regard to the submission made hereinabove and considering the clean antecedent of the petitioner and also submission of charge sheet as well as period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Gaighat P.S. Case No. 71 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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