

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27029 of 2022

Arising Out of PS. Case No.-204 Year-2019 Thana- BACHHWARA District- Begusarai

=====

Randheer Kumar Chaudhary @ Randhir Kumar Chaudhary Son Of Prithvi Chaudhary @ Prithwi Chaudhary R/O Village- Bhasingpur Naya Tola, P.S.- Mohiuddin Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate.

For the Opposite Party/s : Mr. Upendra Kumar, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-06-2022 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. Lakshmindra Kumar Yadav, 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 Bachhwara P. S. Case No. 204 of 2019 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the Police, on a secret information that at village Bachhwara one



white coloured car having illicit liquor was parked in abandoned condition, raided the place, in question. However, on search being made 35.28 litres Indian made foreign liquor wine has been recovered from bush nearby a state Tubewell.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown persons and nothing has been recovered from the person or possession of this petitioner nor he has been apprehended at the spot. It is further submitted that the car, in question, which was found abandoned was earlier in the name of the petitioner, however, the said vehicle was sold to one Sujeet Kumar on 07.08.2019 and in support of his contention, he has brought on record the documents as contained in annexure 2 & 3 series showing the transfer of ownership in the name of the said Sujeet Kumar. It is also submitted that though it is alleged that the car was placed in abandoned condition carrying liquor but nothing has been recovered from the said car. It is next submitted that the petitioner having fair antecedent and is in custody since 30.03.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State



opposes the bail application and submits that during the course of investigation, it has come that the car belongs to the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the F.I.R. has been instituted against unknown persons and moreover, the alleged recovery has been made from the bush nearby the State Tubewell in as much as no recovery has been made from the car and further this petitioner is in custody since 30.03.2022, 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 Exclusive Excise Judge- 1st, Begusarai in connection with Bachhwara P. S. Case No. 204 of 2019, 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.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

