

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27844 of 2022

Arising Out of PS. Case No.-285 Year-2018 Thana- SIRDALA District- Nawada

Rajesh Chaudhary Son of Late Mahendra Chaudhary Resident of village -
Jandhaul, P.S.- Sirdala, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Sirdala(Meskaur) P.S. Case No. 285 of
2018 for the offences punishable under Sections 30(a) of the
Bihar Excise (Prohibition) Amendment Act, 2016.

As per the prosecution case, it is alleged that in
course of vehicle checking, the police apprehended one
Indigo Car and on search total 128 liters illicit country made
liquor was recovered. The apprehended persons disclosed



the name of this petitioner.

Learned counsel for the petitioner submits that the petitioner was neither arrested on the spot nor any incriminating article has been recovered and save and except the disclosure made by the co-accused, apprehended on the spot, there is no other material which suggests the complicity of the petitioner. It is further submitted that co-accused, who was apprehended on the spot has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 66248 of 2018 vide order dated 06.11.2018. It is next submitted that the petitioner is in custody since 11.03.2022 and out of five cases he is on bail in four cases.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner is involved in five other cases.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered. Petitioner is in custody since 11.03.2022 and investigation of the crime is concluded and the charge sheet has been submitted and moreover, there is



no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge 1st Nawada in connection with Sirdala (Meskaur) P.S.Case No. 285 of 2018 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)

N.K/-

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



