

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28868 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

=====

Udesh Chaudhary Son of Maheshwar Chaudhary Resident of Village -
Madhurapur (Ghat), P.S.- Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Adv
For the Opposite Party/s : Mr.Bharat Lal, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State

Petitioner seeks bail in a case registered in
connection with Excise P.S.Case No. 130 of 2022 for the
offences punishable under section 30(a) of the Bihar
Prohibition & Excise Act.

As per the prosecution case, it is alleged that
police on confidential information conducted a raid, on
noticing the police party the persons, who were assembled
near the Ghat succeeded to flee away. It is alleged that
petitioner was arrested at the spot and another co-accused
persons succeed to flee away and on search total 664.5 liters



Indian made foreign liquor was recovered in cartoons.

It is submitted by the learned counsel for the petitioner that the nothing has been recovered from person or possession of the petitioner rather the recovery has been made from the bushes adjacent to the Ghat. It is further submitted that in fact, the petitioner has neither any concern with the liquor nor with the person, who was involved in this crime and noticing the police succeeded to flee away. It is further submitted that the petitioner is named on the basis of suspicion though he is having fair antecedent and is in custody since 27.04.2022.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery has been made from an open place accessible to all and this petitioner is having fair antecedent and is in custody since 27.04.2022 and moreover, after completion of the investigation charge sheet has been submitted, 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 Special Judge Excise, Samastipur in connection with Excise Case No. 130 of 2022 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	
---	--	---	--

