

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29180 of 2022

Arising Out of PS. Case No.-209 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

TUNTUN CHAUDHARY Son of Kauleshwar Chaudhary Resident of Village
- Kohora (Kohra), P.s.- Makhdumpur (Tehta OP), Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Pre
Excise Case No.195/2022 arising out of Makhdumpur (Tehta
O.P.) P.S. Case No. 209/2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
total 10 liters Mahua liquor from the house of the petitioner. The
petitioner was not apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The seized liquor has been recovered from the joint family house of the petitioner and there is no independent witnesses to the seizure list. The petitioner is languishing in custody since 18.04.2022 and bears criminal antecedent of 04 cases in which one case of similar nature and in all cases he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Jehanabad in connection with Pre Excise Case No.195/2022 arising out of Makhdumpur (Tehta O.P.) P.S. Case No. 209/2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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