

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30353 of 2022

Arising Out of PS. Case No.-639 Year-2021 Thana- DANAPUR District- Patna

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ASHOK KUMAR CHOUDHARY SON OF GANESH CHOUDHARY R/O-
VILLAGE- NASARIGANJ (BISCUIT FACTORY MORE) P.S.- DANAPUR,
DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh

For the Opposite Party/s : Mr.Akhileshwar Dayal

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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

Special Case No. 5618 of 2021 registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition and

Excise Amendment Act.

As per prosecution case, there is alleged recovery

of 600 litres Desi Mahua liquor from Tempo in question. The

petitioner is alleged to be driver-cum-owner of the said Tempo.

Learned counsel for the petitioner submits that

petitioner is in custody since 02.03.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the alleged Tempo bearing Registration No. BR-01-PE-7522 has already been sold by the petitioner to one person namely Bittu Kumar for which a sale deed has already been prepared and same is annexed at Annexure-2 of this petition. The petitioner has falsely been implicated in the instance case. Petitioner is not apprehended on spot.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Patna in connection with Special Excise Case No. 5618 of 2021 arising out of Danapur P.S. Case No. 639 of 2021, 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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