

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30483 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- HISUWA District- Nawada

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Gorelal Chaudhary, Son of Late Vijay Chaudhary, Resident of Village-
Mahmadpur, P.S.-Atri, District-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sidhendra Narayan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Hisua P.S. Case No. 23 of 2022 registered for
the alleged offences under Sections 25 (I-B)a, 26, 35 of the
Arms Act and Section 37 (c) of the Bihar Prohibition and Excise
Act.

As per the prosecution case, a country made pistol
was recovered from this petitioner, who was found in inebriated
condition.

The learned counsel for the petitioner submits that the



recovery shown from the petitioner is planted as pistol without cartridge is of no use and similarly cartridge was planted on the other co-accused, who has already been granted bail. The story of petitioner being in drunken condition is false. The petitioner is in custody since 15.01.2022 and the charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and he is accused in a number of cases under the Excise Act.

Having regard to the submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-1, Nawada in connection with Hisua P.S. Case No. 23 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative



of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

