

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32024 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- MADANPUR District- Aurangabad

SUDINA CHAUHAN @ BULLI CHAUHAN SON OF RAMNAYAYAN
NONIYA R/O VILLAGE- JAMUA, P.S.- MADANPUR, DISTRICT-
AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-08-2022 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
Madanpur P.S. Case No. 224 of 2021 registered for the offences
punishable under Sections 30(a) and 33 of the Bihar Prohibition
and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 875 litres illicit spirit from the pickup van in question. The
petitioner alongwith others fled away from the place of
occurrence. Local Chaukidar identified the person who fled
away as petitioner and others.



Learned counsel for the petitioner submits that petitioner is in custody since 26.04.2022. Petitioner bears eight criminal antecedent in which 3 cases are of similar nature. 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 nothing has been recovered from the physical possession of the petitioner. There is violation of Section 100 of the Cr.P.C.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, Excise 1st, Aurangabad in connection with Madanpur P.S. Case No. 224 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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