

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32355 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- SURYAGARHA District- Lakhisarai

Kumbh Karan Chaudhary Son Of Late Damodar Chaudhary Resident Of
Village - Maulanagar Jalabbar , P.S.- Surajgarha (Manikpur), Distt.-
Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Adv

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Surajgarha (Manikpur) P.S.Case No. 80
of 2022 for the offences punishable under Sections 30(a)
of the Bihar Prohibition & Excise Act.

It is alleged that 10 liters country made Mahua
liquor was recovered from the rented house of the petitioner
and the petitioner was apprehended at the spot.



Learned counsel for the petitioner submits that the alleged recovery has not been made from the house of the petitioner rather the same has been made from an open place but only because of the two past criminal antecedent, his name has been implicated in this case. He next submits that other persons used to visit the said house and from the seizure list, it appears that the recovery has been made from an open place and there is no independent witness and as such there is no compliance of section 100 of Code of Criminal Procedure. He next submits that petitioner is in custody since 16.03.2022 and after completion of investigation, charge sheet has already been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that he is named in two another criminal cases.

Having heard the rival contentions of the parties and taking into consideration the fact that 10 liters of Mahua country made liquor was recovered form from an open place and he is in custody since 16.03.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, cum Special Excise Judge-I Lakhisarai in connection with Surajgarah (Manikpur) P.S.Case No. 80 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.

(v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be



delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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