

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44161 of 2021

Arising Out of PS. Case No.-154 Year-2021 Thana- ATRI District- Gaya

RAJESH KUMAR @ RAJESH KUMAR CHAUDHARY @ RAJESH CHAUDHARY S/O LATE DULARCHAND CHAUDHARY @ BHOLA CHAUDHARY R/O VILLAGE-TEUSA KACHAHARY PAR, P.S-ATRI, DISTRICT-GAYA AT PRESENT R/O VILLAGE-KUJAPI, P.S-CHANDAUTI, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner, who is in custody since 13.05.2021, seeks regular bail in connection with Atri P.S. Case No. 154 of 2021, for the offence punishable under Sections 37(2) and 30(A) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in brief, is that upon search of the house of the petitioner, altogether 09 cartridges of .315 bore as well as five litres of country made liquor were recovered.

Learned counsel appearing on behalf of the petitioner



submits that petitioner was not apprehended at the time of search and as such planting the petitioner by some antisocial elements cannot be ruled out. He further submits that petitioner has clean antecedent and he is in custody since 13.05.2021.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the above mentioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Gaya in connection with Atri P.S. Case No. 154 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature



of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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