

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35453 of 2022**

Arising Out of PS. Case No.-14 Year-2022 Thana- SHEIKHOPUR SARAI District-  
Sheikhpura

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PAWAN KUMAR CHAUBE @ PAWAN KUMAR CHOUBEY SON OF  
UMA SHANKAR CHOUBEY @ SHIV SHANKAR CHOUBEY R/O-  
VILL.- MAHMADDA, P.S.- MEHASI, DISTT.- MOTIHARI AT PRESENT  
R/O- KRISHNAPURI COLONY, CHAS BLOCK GALI NO.- 3, P.S.- CHAS,  
BOKARO (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Chandra Shekhar Anand  
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      12-08-2022                      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 Excise  
  
Case No. 60 of 2022 arising out of Sheikhopur Sarai P.S. Case  
  
No. 14 of 2022 registered for the offences punishable under  
  
Sections 30(a), 32(2), 41(1) of the Bihar Prohibition and Excise  
  
Amendment Act.

As per prosecution case, there is alleged recovery  
  
of 943.125 litres foreign liquor from the truck in question. The  
  
petitioner is apprehended on spot alongwith others.



Learned counsel for the petitioner submits that petitioner is in custody since 02.02.2022. 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 nothing has been recovered from the conscious possession of the petitioner. The recovery has been made from truck in question which does not belong to the petitioner.

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, 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – II, Sheikhpura in connection with Excise Case No. 60 of 2022 arising out of Sheikhopur Sarai P.S. Case No. 14 of 2022,



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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