

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37744 of 2022

Arising Out of PS. Case No.-1111 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

RAJEEV CHOUDHARY S/O SARYUG CHOUDHARY Resident of Village-
Mansinghpur Rajauli, P.S.- Sadar Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh
For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-08-2022 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
Hajipur Sadar P.S. Case No. 1111 of 2021 registered for the
offences punishable under Section 420 of the I.P.C. and Section
30(a), 32(ii), 41(i) of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of altogether 6527.440 litre illicit foreign liquor from the truck
and pickup van in question. Name of petitioner and others has
been surfaced on secret information received by the police that
petitioner and others have brought alleged liquor in question for
commercial purpose.



Learned counsel for the petitioner submits that petitioner is in custody since 15.05.2022 and bears criminal antecedent of one case in which he is on bail. Learned counsel specifically submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner is not apprehended on the spot. Petitioner has no concern either with the seized liquor or vehicles in question.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted 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 Exclusive Special Excise Court No. 1 cum Additional Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 1111 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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