

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38771 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- AMAS District- Gaya

Ashok Chaudhary @ Ashok Mahto Son of Late Sri Vishwanath Chaudhary
Resident of Village - Jhakhiya, P.S.- Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Amas P.S. Case No. 209 of 2021 lodged under Sections 30(a),
33 and 41 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 4000
litres spirit has been made from the truck.

Learned counsel for the petitioner submits that
petitioner is not apprehended from the place of occurrence. He
further submits that he is neither owner nor the driver of the
truck. He further submits that his name has figured in this case
on the confessional statement of the arrested person. He further

submits that he is in custody since 23.01.2022, charge sheet has already been filed in this case. He further submits that there are 4 cases pending against him in the different Districts. In this regard, he submits that from future onwards, he shall not involved in any such case and ready to fulfill all the conditions whatsoever shall be imposed by the Court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-2, Gaya in connection with Amas P.S. Case No. 209 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall

file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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