

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48694 of 2021

Arising Out of PS. Case No.-166 Year-2021 Thana- MAHARAJGANJ District- Siwan

Munna Chaudhary, Son of Late Paspati Chaudhary Resident of Village -
Chhotka Teghra, P.S. - Maharajganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

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

Petitioner who is in custody since 27.07.2021 seeks
bail in connection with Mahrajganj P.S. Case No.166/2021
registered for the offence punishable under Section 414/34 of
the IPC and 30(a), 36, 41(1) of the Bihar Prohibition and Excise
Act.

Prosecution case in brief, is that altogether 144
liters of illicit liquor was recovered from a truck bearing
registration no.UP32CZ-7956 which were concealed in the jute



bags containing potato loaded on the said truck and a motorcycle was also recovered from the place of seizure. It has been alleged that taking advantage of the dark night four accused persons managed to flee away from the place of seizure.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from his conscious possession. The petitioner has been roped in the present case because he has been named in some other criminal cases as mentioned in paragraph 3 of the bail application.

Learned APP for the State opposes the prayer for grant of bail to the petitioner. He submits that petitioner is habitual offender.

Considering the afore-mentioned facts and circumstances and of the case, it is directed that the court below shall verify the criminal antecedent of the petitioner and if no other criminal case or excise case is pending against the petitioner as what has been stated in paragraph no.3 of the bail petition, the petitioner, above named, be released on bail on furnishing bail bond of Rs.2,00,000/-(Rupees Two Lacs Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ind-cum-Special Judge,



Excise, Siwan in connection with Mahrajganj P.S. Case
No.166/2021, 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 petitioners.

(4) If the petitioner is found involved in similar
nature of offence, after release on bail, the trial court shall take
steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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