

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40309 of 2022**

Arising Out of PS. Case No.-82 Year-2022 Thana- GURUA District- Gaya

ANAND CHAUDHARY @ ANAND CHAUDHARI Son of Krishna
Chaudhary Resident of village- Sesari, PS- Gurua, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Rajesh Kumar

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

2 24-08-2022 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 Gurua
P.S. Case No. 82/2022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

As per prosecution case, there is alleged recovery of
total 100 liters country made Mahua wine from two motorcycles
in question. Apprehended person disclosed the name of
petitioner who fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The name of petitioner has surfaced in this case on the basis of confessional statement of co-accused, Ankit Kumar. Learned counsel for the petitioner further submits that seizure list has not been prepared as per law. The petitioner has neither concerned with the seized liquor nor concerned with the seized motorcycles in question. The petitioner is languishing in custody since 31.05.2022 and bears one criminal antecedent of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No.2, Gaya in



connection with Gurua P.S. Case No. 82/2022, 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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