

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39895 of 2022**

Arising Out of PS. Case No.-490 Year-2021 Thana- BARH District- Patna

VISHUN CHAUDHARY Son of Chandi Chaudhary Resident of village-  
Agwanpur, P.S- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Tej Narayan Singh  
For the Opposite Party/s : Mr.Uday Chand Prasad

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

2      24-09-2022                      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 Special  
Case No.7726/2021 arising out of Barh P.S. Case No. 490/2021  
registered for the offences punishable under Section 30(a) of the  
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of  
total 40 liters country made liquor from the old house of the  
petitioner and the petitioner was not apprehended on the spot.

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. He further submits that the alleged liquor was recovered from the old house of the petitioner, which was ancestral joint house of the petitioner. The petitioner is languishing in custody since 09.04.2022 and bears criminal antecedent of 03 cases 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 Special Judge, Excise, Barh, Patna in connection with connection with Special Case No.7726/2021 arising out of Barh P.S. Case No. 490/2021, 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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