

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42525 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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KANHAIYA CHOUDHARY @ KANHAIYA KUMAR S/o Late Mohan
Choudhary R/o village- Mungeriganj, Ward No. 33, P.S.- Begusarai Town,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-09-2022 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 Cheriya
Bariyarpur P.S. Case No. 92/2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, there is alleged recovery of
total 50 liters country made liquor from E-rickshaw. The
petitioner apprehended on the spot.

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



case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 28.04.2022 and bears no criminal antecedent. The petitioner is a driver and he was not aware regarding illegal wine which had been loaded on his rickshaw and the said E-rickshaw does not belong to the petitioner. Learned counsel for the petitioner further submits that seizure list has not been prepared as per law. 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, charge sheet has already been submitted in this case as submitted and keeping in view clean antecedent of petitioner 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 92/2022, 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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