

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43695 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- MOUZA HIDPUR District- Bhagalpur

AMIT CHOUDHARY @ KHUDUR CHOUDHARY Son of Late Tajjo Choudhary @ Tejo Choudhary Resident of Sukrulla Chak, P.S- Babbarganj and Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-08-2022 Learned counsel for the petitioner is permitted to make necessary correction in paragraphs 1, 3 and 10 of the bail petition.

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 Mojahidpur (Babarganj) P.S. Case No. 41/2022 registered for the offences punishable under Section 30(a) (c) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of total 49 liters country made Mahua liquor near the field of



petitioner's house. The petitioner was not apprehended on the spot. It is alleged that the petitioner and others were involved in manufacturing and selling of the illicit liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that there is no compliance of Section 100 Cr.P.C. The petitioner is languishing in custody since 18.05.2022 and bears criminal antecedent of one case of similar nature.

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 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 9th Additional District and Sessions Judge cum Special Judge, 1st, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 41/2022, 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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