

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53639 of 2021**

Arising Out of PS. Case No.-389 Year-2020 Thana- KHIJARSARAI District- Gaya

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SUNIL CHAUDHARY @ SUNIL KUMAR S/o Kailash Chaudhary Resident
of Village- Chiraili, P.S.- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-01-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Khizersarai P.S. Case No. 389 of 2020 registered for the

offence under Sections 30(a) of the Bihar Prohibition and

Excise Act, 2018.

Recovery is of 5 liters of Mahua liquor.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. In fact, nothing has been recovered



from the conscious possession of the petitioner. As per the seizure list, only 5 liters of Mahua liquor are said to have been recovered from the joint house of the petitioner for which the petitioner has sufficiently been punished as he has been languishing in judicial custody since 19.08.2021 i.e. more than four months.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case of similar nature other than the present one as is evident from paragraph-3 of the petition.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Khizersarai P.S. Case No. 389 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be



canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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