

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44475 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- MUZZFARPUR GRP CASE District-
Muzaffarpur

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Shambhu Chaudhary Son Of Late Muni Lal Chaudhary Resident/Muhalla-
Pankha Toli, P.S.- Kaji Mohamadpur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Sujata Sinha, Advocate.
For the Opposite Party/s : Mr. Sucheta Yadav, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Kumari Sujata Sinha, learned counsel for
the petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Rail P.S. Case No. 106 of 2022, registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The police in course of patrolling duty, on secret
information intercepted a tempo/trolley and apprehended two
persons including the petitioner. On search total 85.860 liters



illicit wine was recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is neither owner of the tempo/trolley nor has any concern with the seized illicit wine. She further submitted that in fact the petitioner was a passer by but on suspicion apprehended by the police. She also submitted that the petitioner having fair antecedent, is in custody since 08.05.2022, though the investigation of the crime is already complete and the charge-sheet has been submitted. She lastly submitted that there is complete defiance of Section 81 and 82 of the Bihar Prohibition and Excise Act.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is already complete and the charge-sheet has been submitted and there is no likelihood of commencement of the trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No-1, Muzaffarpur, in connection with Rail P.S. Case No. 106 of



2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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