

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44979 of 2022

Arising Out of PS. Case No.-36 Year-2013 Thana- CHARPOKHARI District- Bhojpur

Shiv Prasad Chaudhary @ Shiv Prasad Bin Son of Late Sanichar Chaudhary
R/o Village - Manaini Tola, P.S.- Cherpokhari, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava, Advocate
For the Opposite Party/s : Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and
learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Charpokhari P.S. Case No. 36 of 2013 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Section 47(a) of the Bihar Prohibition and Excise Act.

Allegedly, total 220 litres country made liquor, 5kg Urea and 15 kg *mahua* was recovered from the bank of the Banas River. The petitioner is said to be fled away from the spot when the raid was being conducted.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not named in the FIR and his name transpired on the basis of the statement of one Ishwar Choudhary. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The charge-sheet has been submitted and he is in custody since 03.07.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having one criminal antecedent.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him, and charge-sheet has been submitted and further considering his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-cum-Special Judge, Bhojpur, Ara in connection with Charpokhari P.S. Case No. 36 of 2013, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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