

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45154 of 2022

Arising Out of PS. Case No.-230 Year-2021 Thana- GUTHANI District- Siwan

Kalicharan Chauhan Son of Umashankar Chouhan @ Shankar Chaouhan
Resident of Village - Enthi (Aithi), P.S.- Bankata, District - Deoria (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Dubey, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar Singh, APP
For the State	:	Mr. Anand Kumar Choudhary, Advocate

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 virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Guthani P.S. Case No. 230 of 2021 registered
for the alleged offences under Sections 30(a) and 41(1) of the
Bihar Act, and Section 27 of the Arms Act.

As per prosecution case, recovery of 230.510 litres of
Indian made foreign liquor was made from a four wheeler
Scorpio vehicle and co-accused persons were apprehended after
chase and from one of the co-accused persons a loaded country
made pistol was recovered. From his pocket two live cartridges



were also recovered. The co-accused named this petitioner who along with other co-accused persons used to bring illicit liquor from Uttar Pradesh to Bihar.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Except for the confessional statement there is no material against this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 28.03.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having three criminal cases pending against him.

Having regard to the submission made on behalf of the parties and considering the fact that no recovery has been shown from him and he was not apprehended from the spot and further considering his period of custody along with submission of charge sheet, 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 Special Excise Court-1 Siwan in connection with Guthani P.S. Case No. 230 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of



Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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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