

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45554 of 2022

Arising Out of PS. Case No.-369 Year-2022 Thana- DARIYAPUR District- Saran

Aditya Choudhary @ Pawan Son of Vishnu Choudhary R/o Village - Ghagha
Ghat, P.S.- Sultanganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rajendra 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 virtual court proceeding.

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

In the present case, the petitioner seeks bail in
connection with Dariyapur P.S. Case No. 369 of 2022
registered for the alleged offences under Sections 420 and
120(B) of the Indian Penal Code and Section 30(a), 32, 38 and
41 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, recovery of 109.65 litres
Indian made foreign liquor was made from the two cars. The
petitioner is stated to be a driver of one of the cars and from his
vehicle recovery of 55.965 litres liquor was made. The
petitioner was apprehended from the spot.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and the occurrence as alleged has never taken place. The petitioner was not even apprehended from the said car as alleged in the FIR. Nothing incriminating has been recovered from his conscious possession. Charge-sheet has been submitted in this case and the petitioner is in custody since 01.07.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner, 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 District and Sessions Judge 2nd-cum-Special Judge Excise Saran in connection with Dariyapur P.S. Case No. 369 of 2022, 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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