

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45374 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- KISHUNPUR District- Supaul

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DINESH CHAUDHARY S/O YOGENDRA CHAUDHARY @
CHAMAKLAL CHAUDHARI Resident of village- Hulas, P.S.- Raghapur,
District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Kishunpur P.S. Case No. 30 of 2022 registered for the offences

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

Excise Amendment Act.

As per prosecution case, there is alleged recovery

of 5.250 litres foreign wine from the bag of one Amit Kumar

who died on spot on account of an accident took place due to

collusion between a motorcycle and truck. The petitioner is

alleged to be owner of the said motorcycle in question.



Learned counsel for the petitioner submits that petitioner is in custody since 09.06.2022. Petitioner bears six criminal antecedent of similar nature. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. From perusal of the F.I.R. it is apparent that alleged recovery has been made from bag of Amit Kumar not from motorcycle. The petitioner has falsely been implicated in this case only being the owner of the said motorcycle. Petitioner is not apprehended on spot. The petitioner runs a Garage at Kishunpur and on the date of alleged occurrence, the deceased gave one motorcycle for repairing in the Garage of the petitioner and in its place, he requested for petitioner's motorcycle for some urgent work.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Navin Kumar Thakur learned



Special Judge, Excise, Court No. 1, Civil Court, Supaul in connection with Kishunpur P.S. Case No. 30 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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