

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57066 of 2021

Arising Out of PS. Case No.-825 Year-2020 Thana- NAGAR District- Vaishali

Manoj Chaudhary S/O Late Dhukhan Chaudhary Resident Of Village-
Dakbanglow Road, Anwarpur, P.S.- Town Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Hajipur Town P.S.Case No. 825 of 2020 for the offences
punishable under Sections 30(A), 30©, 38 of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that on
19.12.2020, the informant received confidential information that
a huge consignment of foreign liquor has been kept in
concealed manner in the shop no. 21-A and 23-A. It is further
alleged that on the aforesaid information, the police raided the
shops in the presence of competent authority and on search total



435.39 liters Indian made foreign liquor was recovered from both the shops.

It is submitted on behalf of the learned counsel for the petitioner that shop bearing no. 21-A and 23-A standing in the name of Gayatri Devi and Dinesh Singh respectively. This petitioner was noting to do with the shops as well as recovered illicit wine. It is further submitted that name of the petitioner has come as a member of Syndicate involved in Trade of illicit liquor but during the course of investigation no material has come to substantiate the allegation. It is next submitted that one of the co-accused having similar allegation, namely, Vishal Kumar has been granted bail by this Court in Cr. Misc. No. 51578 of 2021 vide order dated 18.04.2022. It is lastly submitted that petitioner is in custody since 05.06.2021. Moreover, investigation has been concluded and charge sheet has submitted. There is no chance of his absconding and tampering with the evidence.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that petitioner has found involved in eight other cases. In reply to the submission made on behalf of the counsel for the State, learned counsel for the petitioner submits that in most of the cases, the petitioner is not named in



the F.I.R and in all the mentioned cases, petitioner is on bail.

Having heard the rival contentions of the parties and taking into consideration the fact that shops from where, illicit wine has been recovered, do not belong to the petitioner and further no incriminating material has been recovered from possession of the petitioner. Petitioner is in custody since 05.06.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -II cum Excise Court Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 825 of 2020, 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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