

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47090 of 2022

Arising Out of PS. Case No.-201 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Vivekanand Chaudhary S/O Sri Amlendu Chaudhary R/o village- Nehra, P.S.-
Manigachhi, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 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 through video conferencing.

Petitioner seeks bail in a case registered in connection with Motipur P.S. Case No. 201 of 2022 for the offences punishable under Sections 420, 467, 468, 471, 414, 120(B) of the Indian Penal Code 30(a), 31, 32(i), (ii), 36, 41(1) (2) of the Bihar Prohibition & Excise Amendment Act.

The police on a confidential information, intercepted a six wheeler truck bearing registration no UP81-BT 8248



and on search total 2217.960 liters illicit Indian made foreign liquor was recovered. It is further alleged that the driver and khalasi of the truck namely, Balwindar Singh and Nishant Singh were apprehended at the spot and they disclosed the name of the consignor and consignee of the illicit wine. The petitioner is said to be one of the consignee of the illicit liquor.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from his conscious or constructive possession. However, only on the basis of disclosure made by the apprehended co-accused persons, the name of the petitioner has been implicated in this case, though the petitioner has no concern with the vehicle nor with the illicit liquor. He further submits that the petitioner having fair antecedent is in custody since 10.06.2022, however, having seen his false implication in the present crime, the Sarpanch of Gram Kachahri Nehra, Purvi, has also issued a letter that the petitioner bears good moral character. He next submits that the petitioner is a man of clean antecedent and now the investigation of the crime is already complete and the charge sheet has been



submitted.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and moreover, save and except the disclosure made by the apprehended co-accused persons there is no material showing his complicity of the crime and further the petitioner having fair antecedent is in custody since 10.06.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Motipur P.S.Case No. 201 of 2022, 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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