

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48102 of 2022

Arising Out of PS. Case No.-245 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

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VINAY CHAUBEY @ BINAY CHAUBEY @ VINAY KUMAR CHAUBEY
Son of Yogendra Chaubey Resident of Village - Navanagar Nizamat, Mokri
Tola, P.S. - Sahebganj, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-09-2022 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

Sahebganj P.S. Case No. 245 of 2019 registered for the offences

punishable under Sections 272, 273 of the Indian Penal Code

read with Section 30(a), 36, 38 of the Bihar Prohibition and

Excise Amendment Act.

As per prosecution case, there is alleged recovery

of 498.93 litres foreign liquor from two vehicles in question

parked in-front of the house of the petitioner. Local villagers

disclosed the name of present petitioner and others who fled



away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 15.05.2022. Learned counsel further submits that petitioner is not apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the recovered liquor nor is he the owner or driver of any of the vehicles. Petitioner is not involved in business of liquor. Learned counsel further submits that petitioner is also an accused in Sahebganj P.S. Case No. 359 of 2020 which is lodged after the present case i.e. Sahebganj P.S. Case No. 245 of 2019.

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, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Court No. II, Muzaffarpur in connection with Sahebganj P.S. Case No. 245 of 2019, 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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