

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58520 of 2021**

Arising Out of PS. Case No.-471 Year-2021 Thana- BARACHATTI District- Gaya

Kailash Chaudhary S/O Late Nanhak Chaudhary R/o village- Hemjapur
Dhamani, P.S.- Mohanpur, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Ms. Meena Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 03-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Barachatti P.S.
Case No. 471 of 2021 registered for the offences punishable
under Sections 30(A)(D) of Bihar Prohibition and Excise Act,
2016.

According to prosecution case, on secret information,
informant along with other police party reached at Dangra More
Barachatti, they saw a vehicle coming, intercepted it but driver
of vehicle started to flee away but he was apprehended by the



police who disclose his name as Kailash Chaudhary and on search 05 quintal Mahua flower and 2.25 liters illegal foreign liquor was recovered.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. nothing is recovered from conscious possession of the petitioner, rather the recovery has been made from one Maruti Suzuki Car. The petitioner is in custody since 12.08.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Gaya in connection with Barachatti P.S. Case No. 471 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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