

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48829 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- GORAUL District- Vaishali

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ARUN KUMAR CHOUDHARY @ ARUN JAISWAL @ ARUN
CHAUDHARY @ ARUN KUMAR JAISWAL S/o Late Narayan Choudhary
Resident of Village- Raghapur, 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

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-09-2022 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 Goraul
P.S. Case No. 246 of 2021, registered for the offences punishable
under Sections 30(a), 32(2), 38(2), 41(1) of Bihar Prohibition Excise
(Amendment) Act, 2018 read with Section 272, 273, 420, 467, 468,
471/34 of IPC.

As per prosecution case, there is alleged recovery of
5752.80 litre foreign liquor from the truck in question and
apprehended co-accused, Suresh Kumar disclosed the name of
petitioner and others to this extent that they were involved in
business of liquor.



Learned counsel for the petitioner submits that petitioner is in custody since 07.06.2022 and bears criminal antecedent of seven cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the name of petitioner transpired upon the confessional statement of co-accused and except confessional statement there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner and he has been falsely implicated in the case. Petitioner is not apprehended on spot. He further submits that apprehended co-accused, Suresh Kumar has already been granted bail vide Cr. Misc. No. 61285 of 2021 and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail submitting that petitioner bears seven criminal antecedent of similar nature.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 learned Exclusive Special Judge Excise Court No. 01 cum Additional District & Session Judge, Vaishali at Hajipur in connection with Goraul P.S. Case No. 246 of 2021, 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)

vashudha/-

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