

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59106 of 2021

Arising Out of PS. Case No.-499 Year-2019 Thana- SIRDALA District- Nawada

Chhotu Kumar @ Vikash Kumar @ Chhotu Chaudhary S/o Parmeshwar
Chaudhary R/o village- Jandhaul, P.S.- Sirdala, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-02-2022 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 Sirdala P.S.
Case No. 499 of 2019 registered for the offences punishable
under Sections 30(a)(d) of Bihar Prohibition and Excise Act,
2016.

According to prosecution case, 500 kg. Of fermented
Mahua and five liters of country made Mahua liquor has been
recovered from the embankment of river.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner, rather the same has been made from the embankment of the river. He further submits that previously petitioner has been granted privilege of anticipatory bail vide order dated 08.07.2020 passed in Cr. Misc. No. 20236 of 2020 but the petitioner could not surrender before the court below within the time prescribed by this Hon'ble Court. It is further submitted that similarly situated, co-accused, namely, Shanker Chaudhary has been granted bail by a co-ordinate Bench of this court vide order dated 11.01.2021 passed in Cr. Misc. No. 34180 of 2020. The petitioner is in custody since 05.08.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail, submitting that petitioner carries seven criminal antecedents.

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 2nd Additional Sessions Judge-cum-Special Judge (Excise), Nawada in connection with Sirdala P.S. Case No. 499 of 2019, 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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