

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60174 of 2021**

Arising Out of PS. Case No.-483 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Laxman Chaudhary Son Of Devanand Chaudhary @ Devnarayan Chaudhary
Resident of Village - Dadar, P.s.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh , A.P.P.

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

2 09-02-2022 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 Ahiyapur P.S.
Case No. 483 of 2021 registered for the offences punishable
under Sections 272, 273/34 of the Indian Penal Cod and Section
30(a), 36 of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, total 28 liters country
made Chulai Liquor has been recovered in front of shop of
Mohan Sahni.

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 only on the basis of disclosure made by the apprehended co-accused persons namely Mohan Sahni and Golu Kumar. He further submits that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made in front of shop of Mohan Sahni. He further submits that similarly situated, co-accused, namely, Mohan Sahni has been granted bail by a co-ordinate Bench of this Court vide order dated 06.01.2022 passed in Cr. Misc. No. 52478 of 2021. The petitioner is in custody since 28.08.2021.

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 Special Judge Excise, Muzaffarpur in connection with Ahiyapur P.S. Case No. 483 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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