

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51393 of 2022

Arising Out of PS. Case No.-248 Year-2022 Thana- WARISNAGAR District- Samastipur

1. Chandan Kumar Chaudhary Son Of Ramasharay Sahni, Resident Of Village- Dhobour Bansara, P.S.- Hayaghat, District- Darbhanga.
2. Munna Chaudhary Son Of Sonelal Chaudhary, Resident Of Village- Nav Tole, P.S.- Warisnagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Waris Nagar P.S. Case No. 248 of 2022 lodged under Sections
30(a), 41(i)(ii) and 32(ii)(iii) of the Bihar Prohibition and Excise
Act.

As per prosecution case, total recovery of 1963.20
liters of foreign liquor is the subject matter of the present case.

Learned counsel for the petitioners submits that the
name of the petitioners has figured in this case by virtue of the

confessional statement of the co-accused. Learned counsel further submits that petitioners have not been apprehended at the place of occurrence rather they have been arrested from a place which is situated about 5 km. from the place of occurrence. He further submits that petitioners are in custody since 01.08.2022. learned counsel further submits that there is one criminal case pending against the petitioner no.1 in which he is on bail and there are two criminal cases are pending against petitioner no.2 and in both the cases he is on bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.2, Samastipur in connection with Waris Nagar P.S. Case No. 248 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of their bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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