

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51242 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- KALYANPUR District- Samastipur

PAPPU CHAUDHARY @ PAPPU KUMAR CHAUDHARY Son of Baiju
Chaudhary R/V- Maniyarpur, P.S- Kalyanpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 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
Kalyanpur P.S. Case No. 218 of 2022 (Excise G.R. No. 549 of
2022) registered for the offences punishable under Sections
30(a), 41(i), 47 of the Bihar Prohibition and Excise Amendment
Act.

As per prosecution case, there is alleged recovery
of 451.89 liters illicit liquor from Tata Yodha Vehicle in question
and petitioner and others are apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 10.07.2022. Petitioner bears no



criminal antecedent. Learned counsel further submits that the petitioner is neither driver nor owner of the said vehicle. Nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner has no concern with the alleged recovered liquor. Seizure list has not been made as per law. Learned counsel further submits that as a matter of fact petitioner was going to his relative house and while crossing the Gopalpur Mixture Plant, suddenly a raid was conducted and illicit foreign liquor has been recovered from the alleged Tata Yodha vehicle, which was parked behind the mixture plant, merely on the basis of suspicion petitioner has been apprehended on spot. The petitioner is innocent and has falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, argument advanced on behalf of the parties, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judge Excise Court – Ist, Samastipur in connection with Kalyanpur P.S. Case No. 218 of 2022(Excise G.R. No. 549 of 2022), 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)

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