

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52052 of 2022

Arising Out of PS. Case No.-113 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Om Choudhary S/O Vijay Choudhary, R/O Village- Gopal Nagar Chakiya,
P.S.- Buxar (M), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Buxar (M) P.S. Case No. 113 of 2022 lodged under Sections
30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, total recovery of 120 liter
country made liquor is subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that the alleged recovery, as per the seizure list, was
made near Thora Pul and not from the possession of the
petitioner. He further submits that petitioner has not been

apprehended from the place of occurrence and his name has figured in this case only on suspicion by the police, as petitioner was coming from the said way. He further submits that petitioner is in custody since 27.06.2022 and charge sheet has already been filed in this case. He further submits that there are two criminal cases pending against the petitioner and he is on bail in both cases.

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 petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise No.1, Buxar in connection with Buxar (M) P.S. Case No. 113 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner 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 his bail bond.

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

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

U		T	
---	--	---	--