

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52092 of 2022

Arising Out of PS. Case No.-251 Year-2022 Thana- NAUTAN District- West Champaran

Deepu Chaudhary Son of Paresh Chaudhary R/V- Baira Parsauni, P.S-
Nautan, Dist- West Champaran Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv.

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 19-10-2022 Let the defect(s), 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
Nautan P.S. Case No. 251 of 2022 lodged under Section 414 of
the I.P.C. read with Section 30(a) of Bihar Prohibition & Excise
Act, 2016.

As per the prosecution case lodged against the
petitioner and one other accused person stating therein that they
were apprehended by the police when they were coming from
Hero Honda Motorcycle on which the excise material is alleged
to be loaded. The petitioner was apprehended from the place of
occurrence.

Learned counsel for the petitioner submits that from the F.I.R., it transpires that recovery was made from him but the seizure list is in complete contradiction of the F.I.R. as in the seizure list it is categorically written by the police that the said recovery was made near Shivrajpur Beach. Learned counsel for the petitioner submits that petitioner is in custody since 06.05.2022 having clean antecedent and charge sheet has already been filed in this case.

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 Exclusive Special Judge, Excise, Bettiah, West Champaran, Bihar in connection with Nautan P.S. Case No. 251 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 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.)

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