

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51950 of 2022

Arising Out of PS. Case No.-256 Year-2022 Thana- NAUTAN District- West Champaran

1. UPENDRA CHAUDHARY S/o Sri Bhikhar Chaudhari R/o village- Bairiya Parsauni, P.S.- Nautan, District- West Champaran
2. Krishna Kumar S/o Sri Janak Chaudhary R/o village- Bairiya Parsauni, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mrs.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 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 petitioners and learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with Nautan P.S. Case No. 256 of 2022 registered for the offences punishable under Section 414 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of 47.88 litre illicit liquor from the two motorcycles in question and petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 08.05.2022 and bear no criminal antecedent. He further submits that nothing has been recovered from possession of the petitioners. There is no compliance of Section 100 of the Cr.P.C. Petitioner has committed no offence and he has falsely been implicated in this case.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, West Champaran at Bettiah in connection with Nautan P.S. Case No. 256 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) Petitioners 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 petitioners tamper 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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