

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52921 of 2022

Arising Out of PS. Case No.-278 Year-2022 Thana- CHAKIA District- East Champaran

Kamod Chaudhary @ Kamod Chaudhry Son Of Shiv Shankar Chaudhary
R/O Village- Shanti Nagar, Ward No.-5, P.S.- Chakia, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 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 through virtual mode.

The petitioner seeks regular bail in connection with
Chakia P.S. Case No. 278 of 2022 lodged under Sections 420,
467, 468, 471, 34 of the I.P.C. read with Sections 30(a), 31, 32,
36, 38, 41 of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per the prosecution case, total recovery of
1774.800 litre wine is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel

submits that the said recovery was alleged to be made from 2 vehicles, one TATA 407 and Scorpio. Learned counsel for the petitioner submits that from Scorpio, approx 361 litre wine has been recovered. Counsel submits that he has not been apprehended from the place of occurrence. He categorically mentioned that police upon getting the documents of the vehicle called the petitioner as owner and when petitioner visited, police has arrested him. Counsel submits that petitioner is in custody since 05.07.2022, charge sheet has already been filed in this case and there is one criminal antecedent which is not relating to the present case and it is related to Railway Act.

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 Excise Court No.- 1, East Champaran, Motihari in connection with Chakia P.S. Case No. 278 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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