

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52871 of 2022

Arising Out of PS. Case No.-265 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Santosh Chaudhary @ Santosh Chaudhari Son Of Ganesh Chaudhary R/O
Mohammadpur, P.S.- Sakra, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kuchaikote P.S. Case No. 265 of 2022
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, recovery of 230.400 liters
of India made foreign liquor was made from a tempo being
driven by the petitioner who was apprehended from the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. The petitioner is not the owner of the tempo and he has

nothing to do with the allegedly recovered liquor. Nothing incriminating has been recovered from the conscious possession of the petitioner since he is merely the driver of the vehicle in question and nothing has come on record to show that the petitioner was involved in the alleged commission of offence. Charge sheet has been submitted in this case and the petitioner is in custody since 15.06.2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Excise Court, Gopalganj, Bihar in connection with Kuchaikote P.S. Case No. 265 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close

relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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