

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54555 of 2022

Arising Out of PS. Case No.-171 Year-2019 Thana- BACHHWARA District- Begusarai

Chandan Chaudhary @ Chandan Kumar S/O Late Hari Choudhary @ Hari Nandan Choudhary Resident of village- Godhana, P.S.- Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Bachhwara P.S. Case No. 171 of 2019 registered for the offence under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 31.08.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 736.920 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that seizure list not bearing the signature of petitioner, which clearly indicating of the fact that recovery of alleged illicit liquor was not made from his physical possession. It is further submitted that petitioner was surrendered of his own. It is also submitted that petitioner involved in five more criminal cases, where he is on bail in four cases and due to this criminal antecedent only petitioner has been falsely implicated in present case. While concluding the argument, it is categorically submitted that investigation of this case has been completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bachhwara P.S. Case No. 171 of 2019 on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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