

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54279 of 2022

Arising Out of PS. Case No.-244 Year-2021 Thana- TEGHRHA District- Begusarai

Chandan Chaudhary @ Chandan Kumar S/o Late Harinandan Choudhary R/o
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, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-11-2022 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.

The petitioner seeks regular bail in connection with
Teghra P.S. Case No. 244 of 2021 lodged under Section 120(B)
of the I.P.C. read with Sections 30(a), 40(1)(2) of Bihar
Prohibition and Excise Act, 2018.

As per the prosecution case, the total recovery of
693.72 litres of Whisky is subject matter of the present case.

Learned counsel for the petitioner submits that all the
recoveries of the said wine were made from the different
vehicles. It has not been made from the conscious position of
the petitioner. Learned counsel for the petitioner submits that the

name of the petitioner is figured in this case by virtue of the statement of the co-accused Rakesh Kumar. Learned counsel for the petitioner submits that he has not been apprehended from the place of occurrence. He further submits that petitioner is in custody since 24.08.2022. On the point of his criminal antecedent, learned counsel submits that there are 5 criminal case pending against him and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail and submits that there are 5 criminal cases relating to excise matter are pending against the present petitioner and all cases belong to Begusarai district.

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 Additional District Judge -II- cum-Special Judge, Excise Act, Begusarai in connection with Teghra P.S. Case No. 244 of 2021, 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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