

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65373 of 2021

Arising Out of PS. Case No.-609 Year-2020 Thana- AMARPUR District- Banka

FOTO CHOUDHARY @ FUTO CHAUDHARY Son of Late Lalo Chaudhary
Resident of Village - Lakshmipur, Police Station - Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Amarpur P.S. Case No. 609 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

There is recovery of 5 litres of illicit country made liquor from the house of the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR and seizure list that total 5 litres of illicit liquor was recovered from the house of the



petitioner but in fact, the said house is joint family property and as a matter of fact, nothing has been recovered from conscious possession of the petitioner and petitioner was not apprehended on the spot. He further submits that Section 100 of the Cr.P.C. was not followed by the prosecution. He further submits that police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 10.09.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries two criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Banka in connection with Amarpur P.S. Case No. 609 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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