

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65383 of 2021**

Arising Out of PS. Case No.-146 Year-2021 Thana- TATARPUR District- Bhagalpur

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VIJAY KUMAR CHAUDHARY S/O GOVARDHAN CHAUDHARY R/o
village- Mirjachauki (Ward No. 17), P.S.- Mirjachauki, District- Sahebganj
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Md. Iftexhar Mahmood

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**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 Tatarpur P.S.
Case No. 146 of 2021 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

There is recovery of 39 litres of illicit country made
liquor from the tempo.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from tempo in question. He further submits that petitioner is neither driver nor the owner of the said tempo. He further submits that police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 01.09.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

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 cum Special Judge (Excise Act), Bhagalpur in connection with Tatarpur P.S. Case No. 146 of 2021, subject to the following conditions:-

1. Both the bailors shall be the resident of territorial jurisdiction of the learned court below.
2. 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.

3. 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.

4. 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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