

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56495 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

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Suraj Kumar Chaudhary Son of Harihar Chaudhary Resident of Village- Ujan
Kadamtole, Police Station- Sakatpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s : Mr. Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-11-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Bhairavsthan P.S. Case No. 133 of 2022, registered for the
offences punishable under Sections 272, 273 of I.P.C and
Section 30(a) of the Bihar Prohibition and Excise Act.

As per allegation, 91.08 litres of liquor was
recovered from a bag kept in a Motor Cycle bearing
Registration No. BR-07-AF-1770.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. The petitioner has nothing to do with the trade and



transport of the illicit liquor. Neither the vehicle belongs to the petitioner nor the seized illicit liquor has any connection with the petitioner.

The petitioner has been languishing in jail since 19.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Court of Special Judge, Excise Act, Jhanjharpur in connection with Bhairavsthan P.S. Case No. 133 of 2022, on the following conditions:

- (i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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