

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65392 of 2021**

Arising Out of PS. Case No.-43 Year-2021 Thana- AMBA District- Aurangabad

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VIJAY CHAUDHARY S/o Sri Chandradeo Chaudhary Resident of Village-
Misir Bigha, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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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 Amba P.S. Case No. 43/ 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

There is recovery of 247 litres of illicit liquor from Bolero Jeep.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that petitioner was not arrested at the spot. He



further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from one Bolero Jeep and petitioner was said to be driver of the said vehicle. He further submits that petitioner was remanded in this case on 12.08.2021 from Hasanpur P.S. Case No. 99 of 2021. He further submits that police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 12.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one 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-2nd cum Special Judge, Excise, Aurangabad in connection with Amba P.S. Case No. 43/ 2021, 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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