

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55710 of 2022

Arising Out of PS. Case No.-118 Year-2020 Thana- KOCHAS District- Rohtas

CHUNNU RAI Son of Late Abhaynarayan Rai R/V- Salthua, P.S- Kudra,
Dist- Kaimur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Kochas P.S. Case No. 118 of 2020 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, there is alleged recovery
of total 1344 bottles Bombay Special Whisky from Maruti car
and 480 bottles of 180 ml of Bombay Special Whisky from
Scorpio vehicle in question. Apprehended co-accused namely
Jainath Bhagat and others disclosed the name of the petitioner
who fled away from the spot.



Learned counsel for the petitioner submits that petitioner is in custody since 30.07.2022. Petitioner bears criminal antecedent of four cases which is not similar to the present case. He also submits that no incriminating article has been recovered from the conscious possession or the house of the petitioner. He has committed no offence and he has been falsely implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. II-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Kochas P.S. Case No. 118 of 2020 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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