

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67978 of 2021**

Arising Out of PS. Case No.-522 Year-2021 Thana- SASARAM NAGAR District- Rohtas

MUNNA CHAUDHARY S/o Late Hira Chaudhary R/o- Sapulhaganj, P.S.-
Sasaram, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 11-03-2022 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 Sasaram Town P.S. Case No. 522 of 2021 registered for the offences punishable under Sections 30(a), 36 of Bihar Prohibition and Excise Amendment Act, 2018 and Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, one loaded country made



pistol is said to have been recovered from conscious possession of the petitioner. It is also alleged that one country made pistol, some ornaments, cash and three pieces of kingfisher beer, 29 pieces of royal stag of 375 ml, five bottles whisky of 750 ml, seven bottles of royal stag of 375 ml each and 43 bottles of royal stag have been recovered from the house of the petitioner.

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 it appears from the FIR and seizure list that two country made pistols, one live cartridge, liquor of different brands, ornaments and cash have been recovered from possession of the petitioner and his house. He further submits that seized ornament is the house hold article of the petitioner and neither any complaint was made regarding ornament or the cash which was recovered from the house of the petitioner. He further submits that co-accused Vicky Kumar @ Viki Kumar has been granted bail by this court vide order dated 08.03.2022 passed in Cr. Misc. No. 67152 of 2021 and the petitioner is in custody since 29.07.2021.

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 2nd cum Special Judge, Excise, Rotas at Sasaram in connection with Sasaram Town P.S. Case No. 522 of 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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