

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58598 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- NATIONAL HIGHWAY District-
Samastipur

Manoj Choudhary, Son of Late Jagat Choudhary @ Jagat Sahni, R/V-
Mundipur, P.S- N.H. Bangra, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with N.H. Bangra P.S. Case No. 29 of 2022
registered for the alleged offences under Sections 272 and 273
of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, police received information
about unloading of illicit liquor from a truck and a Santro car. A
raid was conducted and two persons who tried to flee away from
the spot including petitioners were apprehended. The Co-



accused Md. Ahmad claimed himself to be the owner-cum-driver of the truck whereas the petitioner claimed that he is the driver-cum-owner of Santro Car. From the truck recovery of 101.250 litres of India made foreign liquor was made whereas from the Santro car of this petitioner 87.750 litres of India made foreign liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of this petitioner whereas recovery from the car of the petitioner is false and concocted. The signature of the petitioner was obtained in the left margin of plain paper without any actual recovery in his presence. The petitioner is in custody since 16.03.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner has got criminal antecedent of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to



the satisfaction of learned Special Excise Court-I, Samastipur in connection with N.H. Bangra P.S. Case No. 29 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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