

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71177 of 2021

Arising Out of PS. Case No.-224 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

MANOJ CHAUHAN Son of Bihari Prasad Chauhan R/O Vill. - Nadaon, P.S.-
Buxar (M), Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2022

Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Buxar (M) P.S. Case No. 224 of 2021 for the offences
registered under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per the allegation, the police on confidential
information nabbed a Pick-up Van. Four persons were present
there. They tried to escape but they were apprehended and the
petitioner was one of them. Upon search in the presence of
independent witnesses, 747 liters of IMFL was
recovered/seized. In this way, the FIR was instituted and the
accused persons including the petitioner herein were arrested.



Learned counsel for the petitioner submits that he is a poor farmer and the only bread earner of the family and due to his incarceration in jail since 06.09.2021 (as stated in bail application of the petitioner) the family is on the verge of starvation. He further submits that only because he has criminal antecedent of the same nature, the police has implicated in this case.

Be that as it may, as the charge sheet stands submitted and the petitioner is in custody since 06.09.2021, this Court is inclined to grant him the privilege of bail on certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge -II cum Special Judge Excise, Buxar in connection with Buxar (M) P.S. Case No. 224 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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