

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71797 of 2021

Arising Out of PS. Case No.-149 Year-2021 Thana- JANDAHA District- Vaishali

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Vikash Kumar Chaudhary S/o Ganesh Chaudhary R/o Village- Nawada
Khurd, P.S.- Ganga Bridge, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, A.P.P.

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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 in virtual court

proceeding.

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 Jandaha P.S.

Case No. 149 of 2021 registered for the offences punishable

under Sections 414 of the Indian Penal Code and Section 30(a)

of Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of 46.5 liters of India made foreign liquor.

Learned counsel for the petitioner submits that

petitioner has clean antecedent and has committed no offence

and he has falsely been implicated in the present case. He



further submits that in fact the petitioner is the driver of the Tempo in question. He further submits that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the Tempo in question. He further submits that at the time of recovery the petitioner was not present at the place of occurrence. He further submits that after investigation police has submitted the charge sheet against the petitioner. The petitioner is in custody since 15.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for 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-II-cum-Special Judge, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 149 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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