

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4789 of 2023

Arising Out of PS. Case No.-562 Year-2022 Thana- BYPASS District- Patna

Manoj Chaudhary, Son of Late Ramdev Chaudhary, Resident of Mohalla-
Bahari Begampur, Sidhey Bazar, P.S.- Bypass, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), if any, 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 Bypass P.S. Case No. 562 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2022.

As per prosecution case, police received secret
information about petitioner selling illicit liquor. A raid was
conducted and the petitioner was apprehended and from his
possession, 40 liters of spurious country made liquor was
recovered.

Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The petitioner was arrested merely on suspicion and the entire prosecution story is false. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the allegedly seized liquor and it is apparent from the F.I.R. that seizure was made from Tent City Sabzi Mandi. The alleged seized article was not sealed at the spot and search was not conducted as provided under Section 100 of the Cr.P.C. Members of the raiding party are witnesses of the seizure list. Charge sheet has been submitted in this case and the petitioner is in custody since 16.12.2022.

Learned A.P.P. for the State vehemently opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the petitioner is accused in a number of cases and is having three cases of similar nature.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner, 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 Judge Excise, Patna City, Patna in



connection with Bypass P.S. Case No. 562 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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