

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3425 of 2023

Arising Out of PS. Case No.-436 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

Chandeshwar Choudhary Son Of Late Prasad Choudhari R/O Village-
Rupnarayanpur, Bela, Ward No.05, P.S.- Mufasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Prakash Poddar, Advocate
For the Opposite Party/s : Mrs.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
10.11.2022 in connection with Excise P.S. Case No.436 of
2022, F.I.R. dated 09.11.2022 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2018.

Recovery is of 20 liters of fermented toddy.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present case
mainly on the basis of the report of the Spy. Further submits that
nothing has been recovered from conscious possession of the
petitioner rather the recovery has been made from the Hut in



question and the petitioner has no concern at all with the alleged recovery of Toddy and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 10.11.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, 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 learned Special Judge (Excise)-2, Samastipur in connection with Excise P.S. Case No.436 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

Nitesh/-

U		T	
---	--	---	--

