

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29494 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- RAFIGANJ District- Aurangabad

VIJAY CHAUDHARY SON OF HARISHANKAR CHAUDHARY R/O
VILLAGE- MEERPUR, P.S.- HANTARGANJ, DISTRICT- CHATRA,
JHARKHAND

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Rafiganj
P.S. Case No. 90 of 2023 registered for the offences punishable
under Section 30(a) of the Bihar Excise (Prohibition)
Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
150 liter country made mahua liquor from the tempo in question
and petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody 02.03.2023 and bears no criminal
antecedent. He further submits that petitioner is quiet innocent
and has falsely been implicated in this case. Nothing has been



recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1st, Aurangabad, Bihar in connection with Rafiganj P.S. Case No. 90 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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