

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47566 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Lagan Chaudhary Son Of Late Dharmanath Chaudhary Resident Of Village-
Chhota Telpa, P.S- Chapra Town, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
14.05.2023, in connection with Bhagwan Bazar P.S. Case No.
341 of 2022, F.I.R. dated 10.07.2022 registered for the offences
punishable under Section 30(A) of the Bihar Prohibition and
Excise Act, 2016.

3. Recovery is of 350 litres of country made liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. Initially, the petitioner was not
named in the F.I.R. and the name of the petitioner has been
transpired on the basis that the petitioner is the owner of the
vehicle in question and the recovery has been made from the



vehicle in question and the driver of the vehicle namely Bipin Kumar has disclosed the name of the petitioner and the petitioner was not apprehended at the spot. He further submits that the recovery has been made from the vehicle in question and the petitioner is in custody since 14.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and nothing has been recovered from the possession of the petitioner, 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 Exclusive Special Judge, Excise, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 341 of 2022, 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



witness, 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 antecedents, 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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