

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50533 of 2023

Arising Out of PS. Case No.-419 Year-2022 Thana- WAJIRGANJ District- Gaya

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DAMODAR CHAUDHARY SON OF LALO CHAUDHARY MOHALLA
CHAKPAR, PS- HISUA, DIST- NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in custody in connection with Wazirganj P.S. Case No. 419 of 2022 for the offence under sections 413, 414/34 of the Indian Penal Code and 30(a)/45 of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 18.08.2022 by the informant, Firoz Khan.

As per the prosecution story, the Police intercepted a car and a motorcycle, recovered/seized 240 liters and 100 liters country made liquor respectively from it. Accordingly, the F.I.R.

It is the case of the learned counsel for the petitioner that he is neither the owner of the car nor the motorcycle and further, his name has come only on the disclosure of Sanu Kumar, the owner of the car which has resulted into his custody since 03.07.2023 (as stated in paragraph 12 of the petition).



Learned APP opposes the prayer for bail stating that he has criminal antecedent.

Considering the fact that the petitioner do not own the vehicles, has remained in custody since 03.07.2023 and ultimately will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1 Gaya, in connection with Wazirganj P.S. Case No. 419 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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