

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52097 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

VIJAY CHAUPAL SON OF UPENDRA CHAUPAL RESIDENT OF
VILLAGE- LAKSMIPUR, PS- SADAR, DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Bhairav Asthan P.S. Case No.59 of 2023 instituted under Sections 272, 273, 414 of the Indian Penal Code and 30(a)/41 of Bihar Prohibition and Excise Act lodged on 14.05.2023 by the informant Basist Kumar Mahto.

As per the prosecution story, the police intercepted two vehicles, a Scorpio and a Bolero. So far as the petitioner is concerned he was driver of the Scorpio from which 648 liters Nepali Saufi was/were recovered/seized followed by FIR/arrest.

Learned counsel for the petitioner submits that he is the driver of the vehicle, little knowledge about the presence of the wine in the carton, has remained in custody since 15.05.2023 (para-10 of the petition) and do not have criminal antecedent.



Learned APP opposes the prayer for bail.

Considering the fact that he is the driver of the vehicle, has remained in custody since 15.05.2023 and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bhairav Asthan P.S. Case No.59 of 2023 to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 fortnight for next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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