

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58758 of 2023

Arising Out of PS. Case No.-73 Year-2013 Thana- CHARPOKHARI District- Bhojpur

Hari Choudhary Son Of Late Nihora Choudhary Resident Of Village - Bagahi
Tola, Police Station - Charpokhari, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 04.07.2023, in connection with Charpokhari P.S. Case No. 73 of 2013, F.I.R. dated 16.04.2013 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 47A of the Excise Act (old).

3. The case relates to recovery of 280 litres of illicit liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that



nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the bank of Banas river and the name of the petitioner has been disclosed by the local Chowkidar and the petitioner was not apprehended at the spot and altogether 280 litres of Mahua liquor has been recovered from the place of occurrence and co-accused Nanda Choudhary has been granted bail by a Coordinate Bench of this Court vide order dated 10.06.2014 passed in Cr. Misc. No. 21074 of 2014, another co-accused kaushal Choudhary and Bhawan Choudhary have been granted bail by a Coordinate Bench of this Court vide order dated 18.02.2015 passed in Cr. Misc. No. 45723 of 2014 respectively. The petitioner is in custody since 04.07.2023.

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, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, 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



Exclusive Special Excise Court-1, Bhojpur, Ara in connection with Charpokhari P.S. Case No. 73 of 2013, 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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