

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57667 of 2023

Arising Out of PS. Case No.-244 Year-2023 Thana- KHIJARSARAI District- Gaya

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AJAY CHAUDHARY @ AJAY KUMAR @ SAHEB S/O JAGDISH
CHOUDHARY @ JAGDISH CHOUDHARY R/O VILLAGE- HORMA, P.S-
KHIZERSARAI, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Adv.

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Khizersarai P.S. Case No. 244 of 2023 registered for the

offence under Sections 30(a) of the Bihar Prohibition and

Excise Act.

Recovery is of 49 liters of country made liquor.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. He further submits that on bare

perusal of the F.I.R. and the seizure list, it appears that

nothing has been recovered from the conscious possession

of the petitioner rather the alleged recovery has been made



from the motorcycle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor and the alleged motorcycle. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 25.06.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one and he is on bail in both the cases according to the paragraph no.3.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2, Gaya in connection with Khizersarai P.S. Case No. 244 of 2023 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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 antecedent, 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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