

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58752 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Shivam Kumar Chaudhary @ Shivam Kumar, aged about 19 years, male, Son
of Darshan Chaudhary @ Ram Darshan Chaudhary, R/o Village-
Mallahchakiya, P.s. - Buxar (Muffasil), Distt. - Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Amit Kumar Pandey, Advocate
For the Opposite Party : Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Buxar (Muffasil) P.S. Case No. 27 of 2023 dated 15.01.2023,
instituted for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Allegation is of recovery of 108 lts. countrymade
liquor from north side of Tohra river.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. The petitioner has no concern with the seized liquor.
Nothing has been recovered from the possession of the
petitioner. It is further submitted that the name of the petitioner



came in this case only on the basis of disclosure made by the local Chowkidar, who has inimical terms with the petitioner. Lastly, it has been submitted that one criminal case is pending against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Buxar (Muffasil) P.S. Case No. 27 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise 1st, Buxar, subject to conditions as laid down under Section 438(2) of the Criminal Procedure Code as also to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister



and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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