

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57999 of 2022

Arising Out of PS. Case No.-314 Year-2021 Thana- KARAHGAR District- Rohtas

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Raja Ram Chaudhary Son Of Tape Chaudhary Resident Of Village - Rampur
Bagicha Total, P.S.- Karagahar, District - Rohtas At Sasaram.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Recovery is of 65 litres of country made Mahua
alcohol.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that the recovery has been
made from open field and not from petitioner's conscious
possession. He further submits that petitioner has not been
arrested at the place of occurrence. He further submits that the
petitioner has no concern at all with the alleged recovery of the



illicit liquor. He further submits that the petitioner is in custody since 04.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that petitioner has two criminal antecedents other than the present one.

Considering the facts and circumstances of the case nothing has been recovered from the conscious possession of the and petitioner has not been arrested at the place of occurrence, 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 Court below where the case is pending in connection with Karagahar P.S. Case No. 314/2021 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 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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