

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57956 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- ATRI District- Gaya

Sudhir Chaudhary @ Sudhir Kumar Son Of Surendrra Chaudhary Resident
Of Village - Gosai Math (Dema Fatehpur), P.S.- Khizarsarai, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

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

Recovery is of 80 liters of country made illicit liquor.

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 car in question and not from petitioner's conscious
possession. He further submits that the name of petitioner has
transpired on the basis that petitioner is driver of the vehicle in
question. He further submits that petitioner has not apprehended
at the spot and petitioner has no concern at all with the alleged



recovery of the illicit liquor. The petitioner is in custody since 17.08.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail on the ground that the petitioner has three 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 petitioner and the name of the petitioner has transpired on the basis that petitioner is driver of the vehicle in question, 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 Atri P.S. Case No. 39 of 2022 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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