

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58193 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- GADHPURA District- Begusarai

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Gobind Kumar Choudhri @ Govind Kumar Choudhary Son Of Krishna Kumar Choudhri @ Krishna Kumar Choudhary R/O Village- Pateli, P.S.- Ujyarpur, District- Samastipur, Presently Resident Of Village- C/O Ramlagan Ray (NANA) Sakarpura, P.S.- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, 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
A.P.P for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 106.2 litres of illegal foreign 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 sugarcane field of Ramdeo Sah and not from petitioner's possession. He further submits that the petitioner was not arrested at the spot. He further submits that the petitioner has no concern at all with the alleged recovery of the



illicit liquor. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the petitioner is in custody since 05.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that petitioner has one criminal antecedent 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 petitioner was not arrested at the spot, 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 Gadhpur P.S. Case No. 94 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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