

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69828 of 2022**

Arising Out of PS. Case No.-371 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

GAUTAM CHAUHAN @ GAUTAM MAHTO Son of Late Badari Chauhan
Resident of village- Nizampur, P.S. M.H. Nagar, District- Siwan
... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr.Raghav Prasad, Adv.

For the Opposite Party : Mr.Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

2 25-03-2023 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in connection with
Siwan Muffasil P.S. Case No. 371 of 2022 lodged under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the allegation total 191 liters of wine has been
recovered from the vehicle. The petitioner is alleged to be the
driver. Counsel for the petitioner submits that the petitioner has
no criminal antecedent and is in custody since 03.07.2022. He
submits that he has been made accused as he has complied the
order of the owner to bring this vehicle at specific place.

Counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and
the submissions made above, the petitioner, named above, be
released on bail on furnishing bail bond of Rs.30,000/- (rupees
thirty thousand) with two sureties of the like amount each to the
satisfaction of the Special Excise Court No. 2, Siwan, in



connection with above mentioned case subject to the conditions laid down under Section 437(3) of the Criminal Procedure Code with other following conditions :

A) The petitioner shall support in the trial and shall appear physically before the lower Court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

(B) One of the bailors shall be close relative who shall file affidavit before the Court about his relationship with the petitioner and

(C) The petitioner shall file an affidavit at the time of furnishing bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

Shamshad/-

U		T	
---	--	---	--

