

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62232 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- NAVINAGAR District- Aurangabad

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LALA CHAUDHARY @ LALA KUMAR SON OF LAKHAN
CHAUDHARY R/O VILLAGE- JANKAPUR POKHAR, P.S.-
NAVINAGAR, DISTRICT- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

The petitioner seeks bail in connection with
Navinagar P.S. Case No. 218 of 2022 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 2.4 liter country made liquor near the house of co-accused
Arjun Chaudhary and 21.6 liter country made liquor near the
pond. Apprehended co-accused Arjun Chaudhary disclosed the
name of present petitioner and others who are engaged in
business of liquor.

Learned counsel for the petitioner submits that



petitioner is in custody since 05.09.2022. Petitioner bears four criminal antecedents out of which three cases are of similar nature. Learned counsel further submits that the petitioner is not apprehended on spot. Nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is innocent and has falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, I, Aurangabad (Bihar) in connection with Navinagar P.S. Case No. 218 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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