

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 62087 of 2022**

Arising Out of PS. Case No.-371 Year-2022 Thana- WAJIRGANJ District- Gaya

AKHILESH CHAUDHARY Son of Late Suresh Chaudhary Resident of
Village - Chakpar, P.S.- Hisua, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Birendra Kumar, Advocate

For the Opposite Party/s : Mr Rajendra Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Wazirganj Police Station
(for brevity, **PS**) Case No 371 of 2022 dated 29.07.2022,
registered for the offence punishable under Sections 30 (a)/45 of
Bihar Prohibition and Excise Act and Sections 411, 413, 414/34
of Indian Penal Code.

From three motorcycles, it is alleged that there is
recovery of 140, 60 and 50 liters of country made illicit liquor
respectively.

The petitioner along with one another person has
allegedly fled away while Driver of one of the motorcycles



(Chandan) has been apprehended.

Learned counsel for the petitioner submits that petitioner's implication is on alleged confessional statement of Chandan who has since been enlarged on bail by this Court in Cr Misc No 54690 of 2022. In fact, petitioner's implication is merely on suspicion based on his implication in two cases, earlier registered under the Excise Act. Petitioner was not apprehended at the place from where recovery has been made. There is no recovery from the petitioner. He is on bail in other two cases, pending against him and in the instant case, he is in custody since 31.08.2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Judge I, Gaya in Wazirganj PS Case No 371 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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