

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64392 of 2022**

Arising Out of PS. Case No.-270 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

Om Prakash Chauhan, Male, aged about 30 years, S/O Prasad Chauhan, R/v-
Putki Kusauda, P.S.- Putki No. 2, District- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Adv.
For the Opposite Party/s : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 20-01-2023 This matter has been taken up today for consideration through
video conferencing.

Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Sadar (Mabbi,
O.P.) P.S. Case No. 270 of 2018 registered for the offence punishable
under Section 30(a) of the Bihar Excise and Prohibition Act.

From the truck, 2400 bottles (total 900 litres) of illicit liquor
has been recovered.

Learned counsel for the petitioner submits that petitioner's
implication is due to the fact that truck stands registered in the
petitioner's name. He was not present at the time and place of
recovery. There is no recovery of any incriminating material from the
petitioner's possession. Petitioner did not have any knowledge about
liquor being transported in his vehicle by his driver. Petitioner is
stated to be in custody since 29.07.2022.

Learned APP for the State has opposed the prayer for bail.



Having regard to the manner of recovery, submissions advanced by the parties, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-I (Excise Act), Darbhanga, in connection with Sadar (Mabbi, O.P.) P.S. Case No. 270 of 2018, 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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