

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69762 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- TAJPUR District- Samastipur

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Avadhesh Choudhary @ Avadhesh Kumar Singh @ Avadhesh Singh @
Avadhas Singh Son of Late Gultan Singh wrongly mention in F.I.R. Chandra
Choudhary R/o vill - Rajkha Rampur, P.S. - Tajpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Ishika Prasad, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Tajpur P.S. Case No. 207 of 2023 registered on 20.04.2023 for the alleged offences under Sections 30(a), 41(i) (ii) of Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution case, police received secret information about petitioner with other co-accused persons unloading the liquor from pick up van. A raid was conducted but the miscreants were able to escape from the spot. On search of the vehicle, 898.23 liters foreign liquor was recovered. Villagers disclosed the name of the petitioner as one of the persons who



escaped from the spot.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Petitioner was not apprehended from the spot and no incriminating article has been recovered from the possession of the petitioner and petitioner has no concern with the alleged vehicle from which recovery has been shown. The petitioner is in custody since 23.08.2023 and having antecedent of one case in which he is on bail.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the nothing incriminating has been shown to be recovered at the instance of the petitioner and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Excise Court-2, Samastipur in connection with Tajpur P.S. Case No. 207 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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