

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71117 of 2022**

Arising Out of PS. Case No.-313 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Supaul

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PRAKASH KUMAR CHAUDHARY @ GUDDU Son of Sri Lal Bahadur  
Choudhary R/V- Supaul, Nagar Parishad, Ward No. 9, P.S- Supaul, Dist-  
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Ashok Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      25-02-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
  
for the State.

The petitioner seeks bail in connection with Misc.  
  
Excise Case No. 978 of 2022, arising out of Supaul Excise  
  
and Prohibition P.S. Case No. 313 of 2022, registered for  
  
the offences punishable under Sections 30(a) of the Bihar  
  
Prohibition and Excise Act, 2016.

As per allegation, 198.200 litres of Codeine Cough  
  
Syrup was recovered from a Scorpio bearing Registration No.  
  
BR50P1575.

Ld. counsel for the petitioner submits that the  
  
petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that petitioner is owner of the vehicle nor he has any concerned with the alleged recovery of cough syrup from the said vehicle.

He further submits that the petitioner has been languishing in jail since 07.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Spl. Judge, Excise, Court No.2, Supaul in connection with



Misc. Excise Case No. 978 of 2022, arising out of Supaul Excise and Prohibition P.S. Case No. 313 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the Court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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