

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67186 of 2022

Arising Out of PS. Case No.-251 Year-2022 Thana- NAUTAN District- West Champaran

SANTOSH CHAUDHARY, Son Of Sri Vishwanath Chaudhary, R/O Village-
Baira Parsauni, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through
virtual mode, as per current procedure for hearing.

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

The petitioner seeks bail in connection with Nautan P.S.
Case No. 251 of 2022 registered for the offence punishable under
Section 414 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

There is alleged recovery of 44.280 litres of illicit liquor.
The petitioner and co-accused were allegedly carrying it on a
motorcycle.

Learned counsel for the petitioner submits that it is a case
of false implication. The petitioner has no antecedents. Recovery is
denied and disputed and it is stated that seizure memo is not prepared
in compliance with Section 100 Cr.P.C. Petitioner is in custody since
06.05.2022. Moreover, investigation is also complete. The petitioner
is not the owner of the said motorcycle.



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

Considering the rival submissions, manner of petitioner's implication, clean antecedent, 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 learned Exclusive Special Judge, Excise, West Champaran at Bettiah, in connection with Nautan P. S. Case No. 251 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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