

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70605 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- WAJIRGANJ District- Gaya

Shambhu Chaudhary @ Shambhu Chaudhari Son Of Chandu Chaudhary R/O
Village- Govindpur, P.S.- Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 05-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Wazirganj P.S.
Case No. 01 of 2022 registered for the offences punishable
under Section 414 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of 280 litres of country made wine.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. as well as seizure list that nothing has
been recovered from the conscious possession of the petitioner
rather recovery has been made from the motorcycle in question
and the petitioner has no concern at all with the alleged recovery



of illicit liquor. He further submits that co-accused person namely Ram Bilas Chaudhary has been granted bail by a Coordinate Bench of this Court vide order dated 07.09.2022 passed in Cr. Misc. No. 44166 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.11.2022.

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

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum- Exclusive Special Excise, Court No. 1, Gaya in connection with Wazirganj P.S. Case No. 01 of 2022, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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