

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77192 of 2023

Arising Out of PS. Case No.-875 Year-2023 Thana- Excise P.S. District- Siwan

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SANDEEP CHAUDHARY @ SANDEEP KUMAR CHAUDHARY Son of
Late Vijay Chaudhary R/o vill and P.s. - Hussainganj, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Siwan
Excise Case No. 875 of 2023 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2022.

3. As per prosecution case, 1305 litre illicit country
made liquor was recovered from vehicle in question which was
being driven by the petitioner and petitioner apprehended on the
spot.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR and he has falsely been implicated in this
case in a mechanical manner by the police. He further submits



that petitioner is not owner of the vehicle in question. Petitioner is merely driver of the said vehicle and he has to follow the instruction of his owner to earn the livelihood. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery. Petitioner has no knowledge regarding the alleged liquor that has been kept in the vehicle in question. Petitioner is in custody since 12.09.2023. Petitioner bears criminal antecedent of eight cases out of which in seven cases petitioner has been granted bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Exclusive Special Excise Court No. II, Siwan in connection with Siwan Excise Case No. 875 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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