

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79753 of 2023

Arising Out of PS. Case No.-1241 Year-2023 Thana- Excise P.S. District- Jamui

Raj Kumar Chaudhary Son of Sri Ramesh Chaudhary R/O Village- Pranvati
Lane, Krishnapuri, P.S.- Ishakchak, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Jamui Excise JAM P.S. Case No. 1241/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

3. As per prosecution case, there was alleged recovery of total 126 liters foreign liquor from Chevrolet vehicle in question and the petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since



15.09.2023 and bears no criminal antecedent. He further submits that the petitioner was neither the owner nor was the driver of the said vehicle in question rather, he was a labour sitting in the back seat of the said vehicle. He further submits that the petitioner was not aware of the goods kept in the vehicle and he has falsely been roped in this case merely on suspicion. He further submits that the seizure list has not been prepared as per the law and there is clear cut violation of Section 100 Cr.P.C.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-2, Jamui in connection with Jamui Excise JAM P.S. Case No. 1241/2023, 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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