

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81134 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- ATRI District- Gaya

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ANIL CHAUDHARY SON OF LATE DOMAN CHAUDHARY RESIDENT
OF VILLAGE - FIROJPUR, P.S. - ATRI, DISTRICT - GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Atri
P.S. Case No. 45 of 2023 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution case, 10 litre country made
Mahua liquor was recovered from the house of the petitioner.
Local villager disclosed the name of the present petitioner and
others who succeeded in fleeing away from the place of
occurrence.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence as
alleged against him in F.I.R. and he has falsely been implicated



in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 12.09.2023 and bears no criminal antecedent. He further submits that co-accused Dharmendra Chaudhary and Sunil Chaudhary have already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 32486 of 2023 and the case of present petitioner stands more or less on similar footing. Petitioner is not apprehended on the spot.

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, petitioner is not apprehended on the spot, keeping in view clean antecedent of petitioner, co-accused has already been granted bail by the Co-ordinate Bench of this Court, 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 Additional Sessions Judge cum Exclusive Special Excise Court No. 1, Gaya in connection with Atri P.S. Case No. 45 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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