

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11638 of 2024

Arising Out of PS. Case No.-722 Year-2023 Thana- RAMPUR District- Gaya

Manoj Chaudhary Son of Swaroop Chaudhary @ Sabroop Chaudhary @ Rup
Chaudhary @ rupu Chaudhary Resident of Village- Dilhuri, P.S.- Atri, Dist.-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Rampur
P.S. Case No. 722 of 2023 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
altogether 60 liter illegal *Tadi* kept in three gallons from the
motorcycle bearing Registration No. BR-02AU-1778.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that nothing incriminating has
been recovered from the conscious possession of the petitioner.
The petitioner has no concern with the seized liquor. The



name of the petitioner has transpired in this case on the disclosures made by the arrested co-accused Rahul Kumar. The petitioner is the owner of the alleged motorcycle. The petitioner has two criminal antecedents as has been stated in paragraph no.3 of the present bail application but, in both of them, he is on bail. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 13.12.2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rampur P.S. Case No. 722 of 2023.

(Rudra Prakash Mishra, J)

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