

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15376 of 2024

Arising Out of PS. Case No.-72 Year-2023 Thana- CHACKMEHSI District- Samastipur

Hulka Chaudhary @ Himanshu Kumar S/O Rajeev Chaudhary @ Rajiv Kumar Choudhary R/O Vilage- Nimchakhaidar, P.S- Chakmehsi, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Chakmehsi P.S. Case No. 72 of 2023, instituted for the offences punishable under Sections 468, 471, 420, 414, 34 of the Indian Penal Code, Sections 30(a), 32, 36 and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 5951.880 liters liquor was recovered from five different vehicles.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. No incriminating material has been recovered from the conscious



possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is further submitted that the petitioner is neither owner nor driver of any of the seized vehicles. Name of the petitioner has transpired from the confessional statement of co-accused Ranjan Kumar. The petitioner is in custody since 09.11.2023 and has got four criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by Co-ordinate Benches of this Court vide order dated 27.06.2023 passed in Cr. Misc. No. 38833 of 2023, order dated 14.07.2023 passed in Cr. Misc. No. 41660 of 2023, order dated 03.11.2023 passed in Cr. Misc. No. 68775 of 2023 and order dated 05.01.2024 passed in Cr. Misc. No. 83974 of 2023. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court



below/concerned Court in connection with Chakmehsi P.S. Case
No. 72 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of
the family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on two
consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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