

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38164 of 2024

Arising Out of PS. Case No.-59 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

Amardeo Choudhary @ Amardev Chaudhary Son Of Late Hiralal Choudhary
Resident Of Village - Bela, P.S. - Babubarhi, District - Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bhairavshthan P.S. Case No. 59 of 2023 instituted for the offences under Sections 272, 273 and 414 of the Indian Penal Code and Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, total 1349.640 liters of liquor was recovered from two vehicles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of



the petitioner has come into light merely on the basis of suspicion. No incriminating article has been recovered from the conscious possession of the petitioner and he has no concern with the alleged recovery of liquor. Petitioner is neither driver nor the owner of the seized vehicles. Charge-sheet has been submitted in this case. Moreover, it is submitted that the other co-accused has already been granted bail by this Court vide order dated 06.03.2024 passed in Cr. Misc. No. 16195 of 2024. The petitioner is in custody since 03.04.2024 and has three criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

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

6. Considering the facts and circumstances of the case as well as 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhairavshthan P.S. Case No. 59 of 2023, Subject to 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)

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