

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44866 of 2024

Arising Out of PS. Case No.-171 Year-2023 Thana- DHANSOI District- Buxar

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Angad Chaudhari S/o Late Haricharan Chaudhari R/o vill - Parsada, P.S. -
Dhansoi, Dist. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta, Adv.

For the Opposite Party/s : Ms.Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Dhansoi P.S. Case No. 171 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, there is alleged
recovery of 59.2 liters of illicit liquor. Apprehended co-accused
Anurag Singh and Shankar Chauhan disclosed that the alleged
illicit liquor was to be given to the present petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has not committed any offence as
alleged in the first information report. From perusal of the F.I.R.
it is crystal clear that the said motorcycle belongs to uncle of the

co-accused and petitioner has nothing to do with the alleged motorcycle and except disclosure of the co-accused there is nothing on the record to connect this petitioner with the alleged offence. The occurrence took place on 22.11.2023 and petitioner was apprehended in this case on 03.04.2022 in this way he is not apprehended on the spot. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that co-accused Shankar Chauhan @ Shankar Chaudhari @ Chandrma Chauhan has already been granted bail by this Court vide order dated 01.02.2024 passed in Cr. Misc. No. 3612 of 2024 and the case of the present petitioner stand more or less on similar footing.

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

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and the fact that similarly situated co-accused has been granted bail by this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees

Ten Thousand) each with two sureties of the like amount each to the satisfaction of Special Excise Court No. I, Buxar in connection with Dhansoi P.S. Case No. 171 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 tamper 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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