

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50762 of 2024**

Arising Out of PS. Case No.-227 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

Indal Chauhan @ Inderjeet Chauhan Son Of Kanahai Chauhan R/O-Village-
Dhuriya Kote, P.S.- Sewrahi, Distt.- Kushi Nagar (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 04-10-2024 Heard Mr. Sushil Kumar, learned counsel for the
petitioner and Mr. Nagendra Prasad, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
29.04.2024, in connection with Gopalganj P.S. Case No. 227 of
2024, F.I.R. dated 22.03.2024 registered for the offences
punishable under Sections 30(a)/41(1) of the Bihar Prohibition
& Excise Amendment Act, 2022.

3. Recovery is of 360 litres of countrymade wine.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is the driver
of the vehicle in question and altogether 360 litres of country
made liquor was recovered from the vehicle in question. He



further submits that it appears from the F.I.R. itself that nothing has been recovered from the conscious possession of the petitioner and co-accused person namely Ramashish Gupta who happens to be owner of the vehicle in question has been granted bail by this Court vide order dated 18.09.2024 passed in Cr. Misc. No. 40982 of 2024. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.04.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner, 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 District & Sessions Judge-XIII-cum-Exclusive Special Excise Court-I, Gopalganj in connection with Gopalganj P.S. Case No. 227 of 2024, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

