

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61946 of 2024

Arising Out of PS. Case No.-768 Year-2024 Thana- Excise P.S. District- Gaya

Sanjay Chaudhary, Son of Late Akhilesh Chaudhary, Resident of village-
Devdha Deepnagar, PS- Deepnagar, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-09-2024 Heard learned Advocate appearing on behalf of the
petitioner and the learned Additional Public Prosecutor for the
State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Excise P.S. Case No. 768
of 2024 registered for the offences punishable under Sections
30(a) & 32(3) of the Bihar Prohibition and Excise Act.

3. Based upon the written report the prosecution
alleges that the police in course of patrolling, intercepted a
white colour Nano car bearing registration no. BR01BE-7292.
The petitioner is said to be driver of the car. On search total
96.480 litres illicit liquor was recovered.

4. Learned Advocate appearing on behalf of the
petitioner contended that the narratives made in the FIR clearly
suggest that the petitioner was driver of the car and in fact he



runs the car on the instruction of the owner and he was not knowing this fact that what was carrying by the owner. Moreover, the petitioner has neither any concern with the illicit wine nor with the car in question, except he being driver. Drawing the attention of this Court to the search and seizure memo, he further contended that the witnesses are none else but the police personnels; though the alleged recovery has been made from a public place, and, as such, in complete defiance of Section 100 of the Code of Criminal Procedure. The petitioner bears fair antecedent and now he is incarcerated since 30.07.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is said to be driver of the vehicle and now the investigation of the crime is complete and the chargesheet has been submitted coupled with his fair antecedent and the infirmities pointed out in the seizure list, let the petitioner, named above, 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 learned Exclusive Excise, Court No. 3, Gaya in



connection with Excise P.S. Case No. 768 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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