

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67423 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- MESKAUR District- Nawada

Sunil Chauhan @ Mukhiya S/O Mohan Chauhan, R/O Village- Kauabara,
P.S- Meskaur, Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Deepak Kumar, the learned counsel for
the petitioner and Mr. Bhanu Pratap, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
20.08.2024, in connection with Meskaur P.S. Case No. 55 of
2024, FIR dated 16.08.2024, registered for the offences
punishable under Sections 30(a) and 41 of the Bihar Prohibition
and Excise Act.

3. Recovery is of 33 litres of country made liquor.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that from perusal of the FIR and seizure list, it
appears that nothing has been recovered from the conscious
possession of the petitioner, rather recovery has been made from
the bushes situated near well of the petitioner and name of



petitioner transpired on the basis of disclosure made by the co-accused person namely, Kanhaiya Kumar and the petitioner is in custody since 20.08.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent of similar nature other than the present one, however, he fairly admits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the facts that nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from an open place accessible to all, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I, Nawada, in connection with **Meskaur P.S. Case No. 55 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as



directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

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

(iii). And further condition that the learned trial Court 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 learned trial Court 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)

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