

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73023 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- Excise P.S. District- Saran

1. Deepak Chaudhary @ Deepak Kumar Chaudhary S/o- Motilal Chaudhari Village- Bichla Telpa (Bara Telpa)PS- Chapra Town District- Chapra at Saran
2. Raushan Kumar son of Late Sharwan Chaudhary Village- Bichla Telpa (Bara Telpa)PS- Chapra Town District- Chapra at Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 Learned counsel for the petitioners is permitted to make necessary correction in the provision of law under which the present bail petition has been filed , during the course of the day.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners seek bail in connection with Sadar Excise P.S. Case No. 166 of 2024 registered for the offences punishable under Sections 30(a) and 32 (3) of Bihar Prohibition and Excise Act.

4. As per prosecution case, there is alleged recovery of 112 litre Chulai liquor from the motorcycle in question and



petitioners were apprehended on the spot.

5. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as alleged in the F.I.R. Petitioners are in custody since 08.09.2024. He further submits that petitioner no. 1 bears criminal antecedent of five cases in which he is on bail in four cases and petitioner no. 2 bears criminal antecedent of three cases in which he is on bail in all cases. He further submits that though the motorcycle in question belongs to father of the petitioner no. 1 but the real fact is that petitioners were going to Chapra for their work and police officials have asked them to become witness of seizure list and upon refusal by the petitioners, police have falsely implicated the petitioners in the present case. Nothing has been recovered from the conscious possession of the petitioners. Petitioners have no concern with the alleged recovered liquor.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

7. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners 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 to the satisfaction of learned 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Sadar Excise P.S. Case No. 166 of 2024, 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) Petitioners 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 petitioners 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)

vashudha/-

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