

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73771 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- NARAINPUR District- Bhojpur

Chokha Yadav @ Chitranjan Kumar S/o- Rajendra Yadav Resident of Situhari
P.S- Narainpur, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Adv.
Ms. Devyani Shekhar, Adv.
Mr. Sandeep Kr. Pandey, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-10-2024 Heard Ms. Devyani Shekhar, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Narainpur P.S. Case No. 56 of 2024 for the offence punishable
under sections 30(a) of the Bihar Prohibition & Excise
Amendment Act, 2018 lodged on 16.07.2024 by the informant,
Arvind Kumar.

3. As per the prosecution story, the informant alleged
that upon information, a Swift Dzire car was intercepted.
Though the accused managed to escape, the *chowkidar* gave the
name of this petitioner and there is recovery of 55.95 litre of
foreign liquor, this led to the FIR.

4. Learned counsel for the petitioner submits that



neither anything has been recovered from his conscious possession nor the vehicle belongs to him. Only because he has criminal antecedent, the *chowkidar* named him, for which he has already suffered by being in custody since 05.09.2024.

5. Learned APP opposes the prayer for bail submitting that the *chowkidar* has named him.

6. Considering the aforesaid submission as also the fact that nothing has been recovered from his conscious possession nor the vehicle belongs to him, he is in custody since 05.09.2024 (para 17 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1st, Bhojpur, Ara in connection with Narainpur P.S. Case No. 56 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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