

Arising Out of PS. Case No.-223 Year-2023 Thana- CHHAURADANO District- East
Champanan

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Amitesh Kumar

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this



case due to village politics. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 24.09.2023 and bears no criminal antecedent. He further submits that except disclosure of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner was neither concerned with the seized liquor nor was concerned with the place of recovery.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 the learned Special Judge, Excise Court No.2, Motihari, East Champaran in connection with Chhauradano P.S. Case No. 223/2023, 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) Petitioner 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 petitioner tampers 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)

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