

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3220 of 2024

Arising Out of PS. Case No.-796 Year-2023 Thana- BODHGAYA District- Gaya

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Sujit Kumar Son of Vijay Chaudhari @ Vijay Chaudhari R/o vill - Jhaur, P.S.
- Sherghati, Distt. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bodh
Gaya (Cherki) P.S. Case No. 796/2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged
recovery of 14.875 liters foreign liquor from the motorcycle in
question and petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to local dirty politics. Nothing has been recovered from
the conscious possession of the petitioner. The petitioner is
languishing in custody since 14.10.2023 and bears no criminal



antecedent. He further submits that the petitioner was neither owner of the said motorcycle and nor was concerned with the seized liquor. He further submits that during vehicle checking, the petitioner was passing through at the alleged place of occurrence and merely on suspicion, he apprehended on the spot. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the seizure list has not been prepared as per the law.

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, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence and 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 Additional Sessions Judge cum Exclusive Special Excise Court No.01, Gaya in connection with Bodh Gaya (Cherki) P.S. Case



No. 796/2023, 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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