

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3612 of 2024

Arising Out of PS. Case No.-171 Year-2023 Thana- DHANSOI District- Buxar

Shankar Chauhan @ Shankar Chaudhari @ Chandrma Chauhan S/O Suraj
Chauhan R/O Village- Jamauli, P.S.- Rajpur, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State Of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr.Kamal Deo Sharma
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Dhansoi P.S. Case No. 171 of 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 59.200 litre illicit liquor from the motorcycle in
question and petitioner being a pillion rider of the said
motorcycle apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 23.11.2023 and bears criminal
antecedent of two cases in which he is on bail. He further



submits that petitioner is not the owner of the motorcycle in question. Petitioner has no knowledge that illicit liquor kept in the said vehicle. He further submits that petitioner apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Seizure list has not been prepared as per law. Petitioner is quite innocent and has falsely been implicated in the case.

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

6. 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 petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Buxar in connection with Dhansoi P.S. Case No. 171 of 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)

vashudha/-

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