

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29887 of 2017

Arising Out of PS.Case No. -33 Year- 1994 Thana -MAHARAJGANJ District- SIWAN

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1. Dashrath Choudhary son of Late Luxmi Choudhary resident of Village -
Deoria, P.S. - Maharajganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar

For the Opposite Party/s : Smt. Veena Rani Prasadd.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 23-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
08.04.2017 in connection with Trial No. 02/2017, arising out of
Maharajganj P.S. Case No. 33/1994 for offences punishable under
Section 47(A) of the Old Excise Act.

The prosecution case is that the police during course of
patrolling recovered five litres of illegal wine from the house of
the petitioner and other persons, who also having liquor. The
petitioner could not show any valid licence.

The present case is a case of misuse of bail. The
petitioner was granted bail on his first appearance but thereafter it
was rejected on 29.09.1995. On 08.12.1997 the petitioner was



declared an absconder. Thereafter on 26.01.2001 he was put on remand and on 13.02.2001 he was granted bail. Thereafter the petitioner stopped doing pairvi and again on 22.12.2006 his bail bond was cancelled. After about 11 years he has again been arrested.

It has been submitted by the learned counsel for the petitioner that he is a labourer, had gone out of the village to earn his livelihood and has got no past criminal history. He submits that he is ready to cooperate in the trial and appear before the learned court below on each and every date.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner misused the privilege of bail and has inordinately delayed the trial by so many years.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-II, Siwan, in connection with Trial No. 02/2017, arising out of Maharajganj P.S. Case No. 33/1994, subject to the condition that both the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/



court, who will file an affidavit stating their relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

The learned court below is directed to conclude the trial on day to day basis as it is an old matter of 1994.

(Nilu Agrawal, J)

Rajesh/-

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