

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58011 of 2018

Arising Out of PS. Case No.-230 Year-2018 Thana- ATRI District- Gaya

Ramji Choudhary son of Late Rambriksh Choudhary resident of village -
Belsar, Police Station - Atri, District Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Dharendra Pratap Singh
For the Opposite Party/s : Mr. Ram Bachan Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
10.07.2018 in connection with Atri P.S. Case No. 230/2018 for
offences punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a)(d) of Bihar Excise Prohibition Act
2016.

The prosecution case, as lodged by the police
personnel, is that on secret information at village Belsar Badhar
near a *pyne* the petitioner was found preparing *Mahua* liquor
and on seeing the police he started fleeing away but was
apprehended and from the place 10 litres of country-made wine
and utensils used in preparation of wine was recovered.
Accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, nothing has been recovered from his conscious possession and he has been made accused only on suspicion. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is an accused in two more cases of similar nature.

Considering the facts and circumstances and the materials on record as well as period of custody, 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 Special Judge, Excise, Gaya in connection with Atri P.S. Case No. 230/2018, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to



move the learned court below for cancellation of his
bail bonds.

(Nilu Agrawal, J)

Rajesh/Pragya

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