

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67807 of 2019

Arising Out of PS. Case No.-130 Year-2019 Thana- BYPASS District- Patna

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1. SHAHID CHOUDHARY Son of Ghasitu @ Ghasitu Chaudhary
 2. Sohanveer, Son of Late Biram Singh
- both Resident of Village - Harsauli House No. 583, P.S.- Shahpur, Distt -
Muzaffarpur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. S.D. Yadav, AAG-IX

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 27-11-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 130 of 2019, dated 10.05.2019, registered at Police Station Bypass under Sections 272, 273, 420/34 of the Indian Penal Code and Sections 30(a), 32(3), 41(1) and 41(2) of the Bihar Prohibition & Excise Act, 2016.

I have heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State. I have also



perused the relevant record of the case, necessary for adjudication of this petition.

Allegedly, 1529.280 litres of illicit liquor was recovered from a godown, which fact is seriously disputed by the petitioners. Prima facie also it appears that thus far no case against the petitioners is made out indicating their complicity in the alleged crime.

We see that co-accused already stood enlarged on bail by a co-ordinate Bench of this Court vide order dated 24.07.2019 passed in Cr. Misc. No. 45622 of 2019, titled as Ashwani Kumar Vs. The State of Bihar. It is seen that in the F.I.R. there is no reference of the petitioners as one of the accused.

It is submitted by learned counsel for the petitioners that the petitioners have roots in the society; are not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; are behind bars since 18.08.2019; no further recovery is to be made from the petitioners, nor any custodial interrogation is required; have fully cooperated in the investigation; have clean antecedents and the trial is nearing completion.

Prima facie, it cannot be said that any case against the



petitioners is made out.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 4537 of 2019, arising out of Bypass P.S. Case No. 130 of 2019, on the following conditions:-

(i) That one of the bailors of the petitioners shall be their close relative.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



Any observation made herein shall not be construed to
be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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