

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74714 of 2019

Arising Out of PS. Case No.-179 Year-2019 Thana- ROSHANGANJ District- Gaya

SHIV JANAM CHAUDHARY @ SILAM CHAUDHARY Son of Kuldip
Chaudhary Resident of Village - Tandwa, P.S. - Banke Bajar, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 179 of 2019, dated 11.9.2019, registered at Police Station Roshanganj under Sections -30(a) of Bihar Prohibition and Excise Act.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

There is allegation that 9 litres of Mahua wine was recovered from a corn field. On chase the petitioner was arrested by the police.

Petitioner, through his counsel, denies the allegation on the ground that the alleged recovery is not from his



conscious possession rather from a field.

Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; and is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 12.9.2019. At this stage petitioner is not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case and the amount of liquor recovered, let the petitioner, 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 Special Judge, Excise Gaya in connection with Raushanganj (Banke Bajar) P.S. Case No.179 of 2019 on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

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



(iii) That the petitioner 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, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself 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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