

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19197 of 2020

Arising Out of PS Case No.-462 Year-2019 Thana- SIWAN CITY District- Siwan

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Rahul Chaudhary, aged about 23 years, Male, Son of Nandaji Chaudhari,
Resident of Village - Laxmipur, Hanumant Nagar, PS- Siwan Town, District -
Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Ramadhar Shekhar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 14-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Krishna Prasad Singh, learned senior counsel along with Mr. Ramadhar Shekhar, learned counsel, for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Siwan Town PS Case No. 462 of 2019 dated 05.08.2019, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



4. The allegation against the petitioner and two others is that they were in the business of selling illicit liquor and there is recovery of 716 litres of liquor.

5. Learned counsel for the petitioner submitted that neither was he caught at the spot nor any recovery has been made from him. It was submitted that co-accused Raja Babu Prasad was caught and two persons are said to have fled away, including the petitioner. It was submitted that another co-accused Radheshyam Prasad is the elder brother of the arrested co-accused Raja Babu Prasad. Learned counsel submitted the petitioner has one other antecedent under the Excise Act and is in custody since 09.01.2020. Learned counsel submitted that both the other co-accused, Raja Babu Prasad, who was arrested at the spot and on whose information recovery was made, as well as his elder brother, Radheshyam Prasad, have been granted bail.

6. Mr. Jharkhandi Upadhyay, learned APP, on the basis of the case diary, submitted that the arrested co-accused Raja Babu Prasad, has stated that the petitioner was also in the business of dealing in illicit liquor.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.



25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan in Siwan Town PS Case No. 462 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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