

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14426 of 2021**

Arising Out of PS. Case No.-228 Year-2020 Thana- BARHIYA District- Lakhisarai

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SANJAY CHAUDHARY SON OF LATE KANHAIYA CHAUDHARY R/o
village- Haridanbigha, Ward No.- 9, P.S.- Barahiya, District- Lakhisarai

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Barahiya P.S. Case No. 228 of 2020 registered

for the offences punishable under Section 30(a) of Bihar

Prohibition and Excise Act (Amendment) Act, 2018.

Learned counsel for the petitioner submits that as per

the prosecution story due to assembly elections raids were being

conducted and in course of search police saw a person running

away with a box in hand. Police chased the said person but he



managed to flee away throwing away the box in his house. On search of the house police recovered 15 litres of mahua wine from a red colour plastic box.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner. Learned counsel submits that the petitioner is in custody since 11.12.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein as per allegation 15 litres of mahua wine is said to have been recovered from the house where the petitioner entered on chase by police, the submission being that the petitioner lives in a house and the seizure cannot be said to be from the conscious possession of the petitioner, petitioner has remained in jail in connection with the present case since 11.12.2020, investigation against him is complete and the one case stated in paragraph '3' has been lodged against the petitioner after the present case in which his prayer for bail is pending, considering all these, particularly, the period spent by the petitioner and that



the investigation is already over, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Lakhisarai in connection with Barahiya P.S. Case No. 228 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

