

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27079 of 2021**

Arising Out of PS. Case No.-34 Year-2021 Thana- SABAUR District- Bhagalpur

Bambam Choudhary @ Bhikhari Choudhary Son Of Late Ubi Choudhary
Resident Of Village- Sultanpur, Bhatti, P.S.- Sabour, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-12-2021 Heard learned counsel for the petitioner as well as
learned APP for the State through video conferencing.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 29.01.2021 seeks
bail in connection with Sabour P.S. Case No.34 of 2021
registered for offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

Prosecution case in brief, is that a raid was conducted
in the house of the petitioner and it was found that no one is
present in the house, however, 18 liters of *Mahua* was
recovered, a seizure list was prepared in presence of two
independent witnesses.

Learned counsel appearing on behalf of the petitioner
submits that nothing was recovered from the conscious



possession of the petitioner. Petitioner has been roped in this case just because he has been made accused in another case being Sabour P.S. Case No.325 of 2020 registered for offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, in which he is already been released on bail. Learned counsel appearing on behalf of the petitioner further submits that apart from that case no case is pending against the petitioner either under the Excise Act or any other case relating to any other offence. Learned counsel for the petitioner submits that seized liquor is small in quantity and it appears the same has been kept for personal consumption as per the custom of that area. She further submits that petitioner is in custody since 29.01.2021 and this is a fit case in which petitioner may be considered to be enlarged on bail.

Learned counsel appearing on behalf of the State vehemently opposed the prayer for bail of the petitioner and submits that petitioner is engaged in the trade of illicit liquor and as such he does not deserve to be released on bail.

Considering the afore-mentioned facts and circumstances of the case, prima facie it appears that nothing has been recovered from the conscious possession of the petitioner, let petitioner, above named, is directed to be released



on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Second Additional District & Sessions Judge-cum-Special Judge (Excise), Bhagalpur in connection with Sabour P.S. Case No.34 of 2021 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

U		T	
---	--	---	--

