

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30912 of 2021

Arising Out of PS. Case No.-269 Year-2019 Thana- SOHSARAI District- Nalanda

SANTOSH CHAUDHARY @ SANTOSH KUMAR CHUADHARI SON OF
MAHESH CHAUDHARY Resident of Village - Chhoti Pahari, Mansur
Nagar, P.S.- Sohsarai, Distt.- Nalanda. (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Bijay Kumar

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sohsarai Police Station Case No. 269 of 2019, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation, as per the First Information Report, is
that a total quantity of 198.3 litres of illicit country-made liquor
has been recovered from the house of co-accused Mahesh
Chaudhary and the name of the petitioner has been disclosed by
said Mahesh Chaudhary.

Learned Counsel for the petitioner submits that the
petitioner is the son of Mahesh Chaudhary and he has been



made accused in this case merely because he resides in the same house along with his father, Mahesh Chaudhary. He further submits that the petitioner has got no criminal antecedent and his father, Mahesh Chaudhary, has been granted bail by this Court, vide order, dated 03.12.2019, passed in Criminal Misc. No. 76199 of 2019. He also submits that co-accused Jitu Chaudhary, another brother of the petitioner, has also been granted bail by this Court, vide order, dated 13.05.2020, passed in Criminal Misc. No. 8067 of 2020. He next submits that the petitioner is in custody since 27.02.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, similarly situated co-accused persons have been granted bail by this Court, charge sheet has already been submitted and the petitioner is in custody since 27.02.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, Santosh Chaudhary @ Santosh



Kumar Chaudhari, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -cum- Special Judge, Excise, Nalanda, at Biharsharif, in connection with Sohsarai Police Station Case No. 269 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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