

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5635 of 2021

Arising Out of PS. Case No.-398 Year-2020 Thana- KOILWAR District- Bhojpur

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BHOLA CHOUDHARY @ NIRAJ KUMAR CHOUDHARY Son of Late
Thek Lal Chaudhary Resident of Village - Baburbani, P.S.- Koilwar, District -
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Adv
For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 12-04-2021 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case
registered for the offence punishable under under Section 30(a)
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Allegation is of recovery of 139 litre of illicit country
made liquor from the house of co-accused Upadhya Mistri.

It has been submitted on behalf of the petitioner that
he is innocent and has been falsely implicated in this case on
mere suspicion. It has been submitted on behalf of the petitioner



that the name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Upadhya Mistri, who has already been granted by a co-ordinate bench of this Court vide order 16.03.2021 passed in Criminal Miscellaneous No. 2629 of 2021. Nothing has been recovered from the possession of the petitioner. Petitioner has got no criminal antecedent and is in custody since 21.10.2020.

Considering the aforesaid facts and circumstances of the case and period of custody, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Excise Case No. 1310 of 2020 arising out of Koilwar P.S. Case No. 398 of 2020**, with 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 and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(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.

(S. Kumar, J)

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