

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5065 of 2022

Arising Out of PS. Case No.-213 Year-2021 Thana- ATRI District- Gaya

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MOHAN CHAUDHARY @ MOHAN CHAUDHARI S/o Late Ganesh
Choudhary R/o village- Belsar, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with Atri
P.S. Case No.213 of 2021 (CIS 1167 of 2021) registered for the
offence under Sections 272 and 273 of the IPC and Section
30(a)(d) of the Bihar Prohibition and Excise Amendment Act,
2018.

The petitioner is named in the FIR and is in
custody since 16.11.2021.

The allegation against the petitioner is to involve in
illegal business of illicit liquor, wherein, 20 litre of illicit
country made liquor was seized and 1200 litre of soaked *Mahua*



from the field of the co-accused, namely, Dinesh Chaudhary, which was destroyed.

Learned counsel appearing on behalf of the petitioner submitted that admittedly there is no recovery from the conscious possession of the petitioner as it appears from bare perusal of the FIR itself. It has further been submitted that name of the petitioner has surfaced on mere suspicion through confessional statement of local *Chaukidar*. It has further submitted that petitioner is involved in two other cases of similar nature and he is on bail in both the cases.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that alleged recovery has not been made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as admittedly alleged recovery of illicit country made liquor and soaked Mahua was not recovered from the conscious possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Atri P.S. Case No. 213 of 2021 (CIS 1176 of 2021) on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



District and Sessions Judge-II-cum-Special Judge of Excise Act,
Gaya subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be wife of the petitioner, namely, Asha Devi, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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