

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11626 of 2022

Arising Out of PS. Case No.-383 Year-2020 Thana- BARH District- Patna

MITHUN CHOUDHARY S/O CHANDI CHAUDHARY R/o village-
Agwanpur, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-06-2022 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 Barh P.S.
Case No. 383 of 2020 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.10.2021.

The allegation against the petitioner is to engaged in
manufacturing of illicit country made liquor and also to have in
possession of 500 litres of illicit country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery has been made from the house



of the petitioner, which is jointly occupied by the other family members. It has further been submitted that seizure list is disputed as the same is not in terms of Section 100 of Cr.P.C. It has been pointed out that the petitioner is involved in 03 cases of similar nature, in all these cases, the petitioner is on bail. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has been made from the house of the petitioner, which is jointly occupied by the other family members.

Considering the facts and circumstances as mentioned above, as recovery is made from joint house of the petitioner not from the conscious possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Barh P.S. Case No. 383 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Barh, Patna, 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) Accused/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 Chandi Chaudhary, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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