

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13316 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- KASHICHAK District- Nawada

Karu Choudhary, Son of Late Jageshwar Choudhary, R/O Village- Bhatta,
P.S.- Kashichak, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Vishwa Ranjan Choudhary, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kashichak P.S. Case No. 117 of 2021 registered for the offences punishable under Sections 30(a)/37(c) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on a secret information that some persons are involved in making illegal wine raided the place of occurrence and on seeing the police party four persons fled away, however, three persons were apprehended and the apprehended persons



disclosed the name of this petitioner. It is also alleged that on search being made 100 litres Jawa Mahua and 25 litres Mahua alcohol and some utensils were recovered from the place of occurrence.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner. It is further submitted that the place of occurrence, where it is said that illegal wine was being prepared, is the bank of the river and accessible to all and does not belong to the petitioner. It is next submitted that the petitioner is in custody since 18.11.2021 and the investigation of the crime is concluded and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that this petitioner has been found involved in one another case. In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in the said case.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating



material has been recovered from the person or possession of this petitioner and moreover during the course of investigation no material has come, which suggests the complicity of this petitioner and he is in custody since 18.11.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-II, Nawada in connection with Kashichak P.S. Case No. 117 of 2021 subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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