

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14287 of 2022

Arising Out of PS. Case No.-280 Year-2020 Thana- SIKANDRA District- Jamui

SUNIL CHAUDHARY S/o Bisheshwar Chaudhary Resident of Village-
Baladih, P.S.- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 25.01.2022, seeks
regular bail in connection with Sikandra P.S. Case No. 280 of
2020 registered for offences punishable under Sections 30(a)(c)
of the Bihar Prohibition and Excise Act.

As per the allegation made in the FIR, 25 litres of
Mahua liquor and other instruments for manufacturing of liquor
were recovered from beneath the stairs of the petitioner. The
petitioner and his other family members managed to flee away
from the place of occurrence.

Learned counsel appearing on behalf of the petitioner



submits that neither the recovery has been made in the present of any of the family member of the petitioner nor seizure list was handed over to the any of the family member of the petitioner. He further submits that petitioner is not involved either in the manufacturing of the liquor or its illicit sale in the State of Bihar. Petitioner has been implicated in this case merely on suspicion because one case is pending against him for similar allegation under Section 30(a)(c) of the Bihar Prohibition and Excise Act and he is in custody since 25.01.2022.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the nature of allegation made in the FIR, the alleged recovery was effected from the house of the petitioner. The seizure list was not handed over to any family members nor it bears signature of any independent witnesses. Petitioner has remained in custody since 25.01.2022 on mere suspicion and the trial is not likely to be concluded in near



future, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned A.D.J. II, Jamui in connection with Sikandra P.S. Case No. 280 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

