

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16922 of 2022

Arising Out of PS. Case No.-172 Year-2021 Thana- RAJAOLI District- Nawada

Uday Chaudhary, son of Late Biru Chaudhary, resident of village-Fulwaria,
P.S.-Rajauli, District-Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Rajauli P.S. Case No. 172 of 2021 registered for the alleged offences under Sections 30(a), (d), 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that the petitioner and other co-accused persons had been running illegal liquor “*Bhatti*” and when the place where the “*Bhatti*” was said to be operating, was raided, the co-accused Dilip Yadav was apprehended and 20 litres of country made Mahua liquor with some implements



were seized.

The learned counsel for the petitioner submits that there is no material against the petitioner in this case as he has neither been apprehended from the spot nor anything incriminating has been recovered from his possession. The person, who was apprehended with the liquor, was granted bail by a coordinate Bench of this Court vide order dated 15.12.2021 passed in Cr. Misc. No. 47319 of 2021. The two other similarly placed co-accused persons have also been granted privilege of anticipatory bail by a coordinate Bench of this Court in Cr. Misc. Nos. 11148 of 2022 and 7176 of 2022. The petitioner is in custody since 01.02.2022. Regarding the criminal antecedent of the petitioner, learned counsel submits that the petitioner has also been made an accused in Rajauli P.S. Case No.531/2021 under Section 30 (a) of the Bihar Prohibition and Excise Act.

Learned APP opposes the prayer for bail. He submits that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner and other co-accused persons have been allowed privilege of bail/



anticipatory bail, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-2, Nawada in connection with Rajauli P.S. Case No. 172 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

