

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22342 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

1. AJAY CHAUDHRY @ MURARI CHAUDHRY Son of Faujdari Chaudhry Resident of Village - Brahmpur Jalalpur, P.S.- Revilganj, District - Saran at Chapra.
2. Ranjay Chaudhry @ Bulet Chaudhry Son of Faujdari Chaudhry Resident of Village - Brahmpur Jalalpur, P.S.- Revilganj, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Chapra
Muffasil P.S. Case No. 148 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

The accused/petitioner are named in the F.I.R. and are
in custody since 25.02.2022.

The allegation against the petitioners is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 300



litres of illicit liquor.

Learned counsel appearing on behalf of the petitioners submitted that petitioners were apprehended, while they have running away from the spot leaving the motorcycle, from where, the alleged recovery has been made. It has further been submitted that recovery has not been made from conscious physical possession of the petitioners. It has further been submitted that petitioner no.1 is involved in one case and petitioner no.2 is involved in three cases, in which, they are on bail. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail, fairly conceded the fact that petitioners were not arrested at the spot, as per FIR.

Considering the facts and circumstances as mentioned above, as recovery has not been made from conscious physical possession of the petitioners coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Chapra Muffasil P.S. Case No. 148 of 2022 on furnishing bail



bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Ist. Exclusive Special Judge, Excise Saran at Chapra, subject to the following conditions:

“(i) That petitioners 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 petitioners.

(ii) Accused/Petitioners 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 petitioners duly supported by the documents.

(iii) That one of the bailors shall be Babita Devi, who is the wife of the petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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