

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22934 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- NARDIGANJ District- Nawada

1. Badho Chauhan @ Badhoo Chauhan Son Of Late Mangal Chauhan Resident Of Village - Bhalua, P.S.- Nardiganj, District - Nawada.
2. Manju Devi Wife Of Shrawan Chauhan @ Shatrudhan Resident Of Village - Bhalua, P.S.- Nardiganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate

For the Opposite Party/s : Mr.Sangeeta Sharma, App

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Sanjiv Ranjan, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection with Nardiganj P.S.Case No. 46 of 2022 for the offences punishable under Sections 30(a), 30(d) and 41 of the Bihar Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that the police on a secret information, conducted raid, altogether 20 liters country made Mahua and other utensils were



recovered from the side of the river. It is further alleged that 200 liters of Mahua mixed with meetha was also recovered. Both the petitioners were apprehended on the spot.

It is submitted by the learned counsel for the petitioners, that the alleged recovery has been made from the bank of the river and the petitioners on seeing police party get frightened and on suspicion they were apprehended. It is further submitted that nothing has been recovered from conscious possession of the petitioners and moreover, recovery has been made from the bank of the river, which is a public place accessible to all. It is also submitted that there are other serious irregularities in the preparation of seizure list and moreover, there is no independent witness to the same. It is next submitted that the petitioners are in custody since 03.03.2022, having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioners.

Having heard the rival contentions of the parties and taking into consideration the period of custody and moreover, investigation of the crime is already completed



and the charge sheet has been submitted and there is no likelihood of the commencement of the trial in near future, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise court-II, Nawada in connection with Nardiganj P.S.Case No. 46 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

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

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

(iii) They 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, their bail bonds will liable to be cancelled.

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



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

(Harish Kumar, J)

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