

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26528 of 2022

Arising Out of PS. Case No.-208 Year-2021 Thana- MAGADH UNIVERSITY District- Gaya

Ganesh Chaudhary @ Bullu Chaudhary, S/o Badri Chaudhary, R/o Village-
Atiya, P.S. - Magadh University, Dist.- Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 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. Praveen Kumar, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Magadh University P.S. Case No. 208 of 2021 registered for the offences punishable under Sections 30(a), 30(b) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on a secret information that the F.I.R. named accused persons are engaged in preparing illicit liquor, raided the house of the petitioner and on search being made 50 litres of Desi Mahua liquor along with other utensils and 160 Kg Jawa Mahua were



recovered.

It is submitted by the learned counsel for the petitioner that the alleged recovery has been made from a joint family house where several persons are residing and for the said recovery the petitioner cannot be held responsible. It is further submitted that there is no compliance of the provisions of Section 100 of the Cr.P.C., inasmuch as no independent witness to the seizure list. It is lastly submitted that the petitioner is in custody since 11.02.2022 having fair antecedent, apart from the fact that the investigation of the crime is completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has been found involved in preparing of illegal liquor.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the recovery has been made from a joint family house and moreover this petitioner is in custody since 11.02.2022 and the investigation of the crime is completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Judge Excise-I, Gaya in connection with Magadh University P.S. Case No. 208 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner 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.

(Harish Kumar, J)

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