

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28040 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- LAURIA District- West Champaran

Ajay Chaudhary, Son of Birjhan Chaudhary, Resident of Village- Deurawa,
Police Station- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zainul Abedin, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Zainul Abedin, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Lauriya P. S. Case No. 160 of 2021 registered for the offences punishable under Sections 272, 273, 328, 307 read with 34 of the Indian Penal Code and Sections 30 (a), 33, 34 (a), 34 (b)(ii), 34 (b) (iii) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that on account of consumption of excessive alcohol the cousin of the



informant fell ill, he disclosed that he consumed alcohol by purchasing it from Thag Sah @ Suresh Sah and due to which he fell ill.

Learned counsel appearing on behalf of the petitioner submitted that the alleged occurrence took place on 13.07.2021 whereas the F.I.R. has been instituted on 16.07.2021 and moreover, the petitioner is not named in the F.I.R nor any incriminating material has been recovered. It is further submitted that during the course of investigation, the petitioner was also found involved in selling and preparing of the noxious wine and his name has transpired on the confessional statement of co-accused persons. It is lastly submitted that the petitioner is in custody since 25.01.2022.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the name of the petitioner has transpired on the confessional statement of co-accused and moreover, no incriminating material has been recovered from the conscious or constructive possession of this petitioner, apart from that the F.I.R. named accused person has already been granted bail by this Hon'ble Court, let the



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Lauriya P. S. Case No. 160 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 physically 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

(Harish Kumar, J)

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