

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26937 of 2022**

Arising Out of PS. Case No.-11 Year-2022 Thana- CHAORI District- Bhojpur

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Baban Chaudhary S/o Samundar Choudhary R/o Village- Andhari, P.S.-  
Chauri, District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr .Kaushal Kishor, Advocate  
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      29-07-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State  
  
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Chauri  
P.S. Case No. 11 of 2022 registered for the offence under  
Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 28.02.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is  
recovery of 100 litres country made liquor from the open area of  
Sone River.



Learned counsel appearing on behalf of the petitioner submitted that the recovery is made from the open area of Sone River, where name of the petitioner surfaced on the basis of suspicion, as same is based upon the secret information received by the police spy. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that alleged recovery of illicit liquor is made from the open place.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor from the open place, and as such it cannot be said to be made from conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chauri P.S. Case No. 11 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Learned Exclusive Special Excise Court No.-1, Bhojpur at Ara, subject to the following conditions:



*“(i)That petitioner 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 petitioner.*

*(ii) Accused/Petitioner 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 petitioner duly supported by the documents.*

*(iii) That one of the bailors shall be Dharmendra Chaudhary, who is the son of son of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

pooja/-

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