

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27931 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Santosh Choudhary Son Of Late Ashok Choudhary Resident Of Village -
Gudari Main Road (Naya Jan Tola), P.s.- Bhagwan Bazar, Distt.- saran at
Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Bhagwan Bazar P.S. Case No. 74 of 2022
for the offences punishable under Sections 30(a) of the
Bihar Excise (Prohibition) Amendment Act, 2018.

As per the prosecution case, it is alleged that the
police on secret information raided the house of the
petitioner and on search total 150 liters illicit country made



liquor was recovered.

Learned counsel for the petitioner submits that the alleged recovery has been made from joint family house where several persons were residing and the petitioner cannot be held responsible for the same and only because of one past criminal antecedent, the name of the petitioner has been implicated in this case. It is next submitted that petitioner is in custody since 20.02.2022 and the investigation of the crime is concluded and the charge sheet has been submitted. It is also submitted that there is other infirmities in preparation of the seizure list and the same has been prepared in complete violation of Section 100 of the CR.P.C.

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

Having heard the rival contentions of the parties and taking into consideration the fact that the alleged recovery has been made from the joint family house and apart from the several infirmities in the seizure list, this petitioner is in custody since 20.02.2022 and investigation of the crime is concluded and the charge sheet has been



submitted. There is no likelihood of commencement of trial in near future, let the petitioner, 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, Saran in connection with Bhagwan Bazar P.S. Case No. 74 of 2022 subject to the condition that one of the bailors will be the close relatives 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.

(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 step for cancelling of bail bond of the petitioner. 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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