

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28402 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- EKMA District- Saran

Bablu Choudhary S/o Late Kishun Choudhary R/o village- Nawatan, P.S.-
Ekma, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with Ekma
P.S. Case No. 99 of 2022 under sections 30(a)/41(i)(ii) of Bihar
Prohibition and Excise Act.

The prosecution story, in brief, is that while the
informant was on patrolling duty, he got a secret information
that Bablu Choudhary, the petitioner herein and one Sanjay
Choudhary in village Nautan are selling illicit liquor/wine near
their house. On that information, the police reached their house
but accused after seeing the police fled away from their house.
Upon search, 10 liters of illicit liquor was recovered/seized from



near the house of Bablu Choudhary, the petitioner herein and co-accused Sanjay Choudhary. Accordingly, seizure list was prepared in presence of two independent witnesses.

Learned counsel for the petitioner submits that the police has recovered/seized 10 liters of illicit liquor. However, the same has not been recovered/seized from the conscious possession of the petitioner and only due to his criminal antecedent, he has been implicated in this case for which he is languishing in jail since 16.3.2022 and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge cum Special Judge, Excise, Saran at Chapra, in connection with Ekma P.S. Case No. 99 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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