

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30794 of 2022**

Arising Out of PS. Case No.-37 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Sheohar

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SHATRUDHAN CHAUDHARY S/o Harishankar Chaudhary R/o village-  
Brahm Tola, Pokhar Bazar, Nayagaon, Ward No. 01, P.S.- Shyampur Bhataha,  
District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Parmanand Prasad, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      26-08-2022              Learned counsel for the petitioner is permitted to  
  
remove defect(s), as pointed out by the office, if any, within a  
  
period of four weeks from today.

Heard Mr. Devendra Kumar, 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 C2 Case No. 37 of 2022 registered for  
the offences punishable under Section 30 (a) of the Bihar  
Prohibition and Excise Act.

As per the prosecution case, it is alleged that on a  
secret information, the police conducted a raid and from the



possession of this petitioner 33 litres in one jarkin of plastic and 01 litre country-made *chulai* liquor was recovered from the sale centre of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the conscious or constructive possession of the petitioner and only on suspicion, the name of the petitioner has been implicated in this case. It is further submitted that the seizure list has been prepared without complying the provisions of Section 100 of the Cr.P.C. and only because of the past criminal antecedent, his name has been implicated in this case. It is lastly submitted that the petitioner is in custody since 01.04.2022 and the investigation of the crime is already completed and the charge sheet has been submitted.

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 petitioner is in custody since 01.04.2022 and after completion of the investigation, the charge sheet has been submitted and 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. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Additional Sessions Judge -cum-Special Judge, Excise, Sheohar in connection with C2 Case No. 37 of 2022, 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.
- (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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