

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31557 of 2022

Arising Out of PS. Case No.-891 Year-2021 Thana- FATUA District- Patna

Raju Chaudhary Son of Late Ram Ishwar Chaudhary R/O Mohalla- Saidpur,
P.S.- Fatwa, District- Patna (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Supriya Rani

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Special
Case No.7509/2021 arising out of Fatwa P.S. Case No.
891/2021 registered for the offences punishable under Sections
30(a), 56 (C) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 250 liters Mahua wine from bank of Punpun river. The
petitioner and others were apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the conscious possession



of the petitioner. The petitioner is languishing in custody since 18.11.2021 and bears no criminal antecedent. He further submits that the petitioner was going to Gaurichak market and when he reached at the place of occurrence police stopped him and had talk exchange in between the police and the petitioner, thereafter, police forcibly took the signature on a blank paper from the petitioner for showing the seizure list. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Special Case No.7509/2021 arising out of Fatwa P.S. Case No. 891/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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