

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31497 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- LAURIA District- West Champaran

AJAY CHAUDHARY SON OF BIRJHAN CHAUDHARY RESIDENT OF
VILLAGE- DEURWA , P.S- LAURIYA , DIST- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zainul Abedin, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Lauriya
P.S. Case No. 167 of 2021 registered for the offence under
Sections 302 and 328 r/w Section 34 of the IPC and under
Sections 30(a), 33 and 37(b) of the Bihar Prohibition and Excise
Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.07.2021.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, one
person died after consuming the said liquor, alleged to be



spurious.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced merely on the basis of suspicion. It is submitted that nothing surfaced/recovered in furtherance of the confessional statement, which may incriminate or connect the petitioner with the present set of occurrence. It is further submitted that petitioner is involved in seven other criminal cases, as mentioned in paragraph no. 3 of the bail petition and in most of the cases, the name of the petitioner surfaced on the basis of confessional statement, as of present case. It is further submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was found in manufacturing of spurious liquor. 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 the fact that nothing incriminating recovered from the physical possession of the petitioner, during the course of investigation.

Considering the facts and circumstances as mentioned



above, as nothing incriminating recovered from the physical possession of the petitioner in furtherance of the confessional statement, suggesting involvement of the petitioner in activities of spurious liquor 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 Lauriya P.S. Case No. 167 of 2021 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, Bettiah, West Champaran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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