

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40835 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- HISUWA District- Nawada

Biru Chaudhary Son of Kailash Chaudhary Resident of Village - Suiya
Lawarpura, Police Station - Hisua, District - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-01-2022 Heard the parties through the video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

Petitioner who is in custody since 28.3.2021 seeks
regular bail in connection with Hisua P.S. Case No. 162 of 2021
registered for the offence punishable under section 30(a) of
Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that while the informant
along with the police personnel was on patrolling duty he
received a secret information that illegal wine was kept in the
village Surya Lawarpura and on that information he reached the
aforesaid village and apprehended the petitioner from the place
of occurrence and on his disclosure 10 liters of country made
wine was recovered from the Gaushala of the petitioner.



Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. The liquor was recovered from a open cow shed which was far from the house of the petitioner. He further submits no such occurrence took place and the petitioner has falsely been implicated in the present case due to his politicians enmity. He further submits that the petitioner is in custody since 28.3.2021 and the charge-sheet has already been filed in this case.

Considering the above mentioned facts and circumstances of the case, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 100,000/- (One lakh) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Nawada, in connection with Hisua P.S. Case No. 162 of 2021 subject to the following condition:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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