

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31869 of 2022

Arising Out of PS. Case No.-202 Year-2022 Thana- CHAPRA TOWN District- Saran

Munna Choudhary, Son of Late Mahadeo Choudhary @ Mahabir Choudhary,
Resident of Village- Bichla Telpa, Police Station- Chapra Town, District-
Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Brij Kishore Mishra, learned counsel for
the petitioner and learned APP for the State through video
conference.

The petitioner seeks regular bail, who is in custody in
connection with Chapra Town P.S. Case No. 202 of 2022
registered for the offences punishable under Sections 30(a),
41(i)(ii), 37(c) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on
a secret information that some persons are engaged in selling of
country made liquor conducted a raid and on search 6 litres of
country made liquor was recovered from the bush near the



Gumti of the petitioner. It is further alleged that on noticing the police party, some persons succeeded in fleeing away and co-accused Laxman Rai was apprehended, who disclosed the name of the petitioner and others.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered. It is next submitted that the alleged recovery has been made from a bush, near the Gumti of the petitioner and no recovery has been made from the conscious or constructive possession of the petitioner. It is next submitted that only on account of past criminal antecedent of the petitioner, his name has been implicated in this case. It is lastly submitted that the petitioner is in custody since 29.04.2022 and moreover the investigation of the crime is completed and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has also been found involved in four other criminal cases.

In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in three of the cases and with respect to one, the petitioner is in the



process for bail.

Having regard to the submissions made on behalf of the parties and considering the fact that nothing has been recovered from the person or possession of this petitioner and save and except the disclosure made by the co-accused Laxman Rai, there is no other material suggesting the involvement of the petitioner and he is in custody since 29.04.2022, apart from the fact that investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-I, Saran at Chapra in connection with Chapra Town P.S. Case No. 202 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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