

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31466 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- BAIRIYA District- West Champaran

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HORIL CHAUDHARY Son of late Harendra Chaudhary Resident of Village -
Bhitahan, Police Station- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, 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. Anant Kumar Mishra, 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 Bairiya P. S. Case No. 222 of 2021
registered for the offences punishable under Sections 272 and
273 of the Indian Penal Code and Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
police, on a secret information that the petitioner and his wife



are engaged in manufacturing and selling of illicit wine, raided the place of occurrence, however, on noticing the police party, the petitioner and his wife succeeded in fleeing away and on search, total 40 litres country-made liquor along with other utensils and apparatus used for the purposes of manufacturing of wine were recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that the alleged recovery has been made from an open place situated near the Ghat and the petitioner has neither any concern of the recovered illicit wine nor with the place. It is next submitted that save and except the disclosure made by the local Chaukidar, there is no other material, which suggests the complicity of the petitioner in the present case and moreover, he is in custody since 01.02.2022, it is lastly submitted that the petitioner has also made accused in four other criminal cases, however, he is on bail in all the four cases.

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 was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover, the recovery has been made from an open place near the Ghat and this petitioner is in custody since 01.02.2022, let the petitioner, above named, 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 Special Judge, Excise, Bettiah, West Champaran in connection with Bairiya P. S. Case No. 222 of 2021, 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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