

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43083 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- ATRI District- Gaya

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PUTUSH CHAUDHARY @ SUNIL CHAUDHARY Son of Karu Choudhary
Resident of village - Riuela Chouthi Beldari, P.S. - Atri, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 10-01-2022 Heard the parties through video conferencing.

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

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 07.03.2021 seeks
regular bail in connection with Atri P.S. Case No. 02 of 2021
registered for offence punishable under Sections 272, 273 of the
I.P.C and Section 30(a) (d) of the Bihar Prohibition and Excise
Act, 2016.

Prosecution case in brief is that altogether 905 litres
of country-made liquor was recovered from the wine making
apparatus containing wheat solution etc.

Learned counsel appearing on behalf of the petitioner



submits that the place of occurrence is not from the house of the petitioner but that is from the open place and the said place does not belong to him nor he was apprehended on the spot. It is further submitted that the petitioner was apprehended on the basis of the statement of the *chaukidar*. He further submits that the petitioner has clean antecedent and nothing was recovered from his conscious possession even the seizure list was not prepared in his presence.

Learned A.P.P., however opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case and nothing has been recovered from the conscious possession of the petitioner rather the petitioner has been roped in this case on the basis of allegation of the *chaukidar* of the village as well as the petitioner is the person with clean antecedent, the petitioner is directed to be released on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd-cum-Special Judge of Excise Act, Gaya in connection with Atri P.S. Case No. 02 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

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

(Purnendu Singh, J)

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