

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36776 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- KHAGARIA District- Khagaria

Lalu Choudhary @ Prince Kumar Son Of Amrendra Choudhary Resident Of
Village- Jai Prakash Nagar, P.S.- Khagaria, District- Khagariya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate.
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 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. Dhananjay Kumar Pandey, 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 Khagaria P. S. Case No. 41 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that from the house of Gautam Kumar Choudhary and Rintu Choudhary 6887 bottles of 100 M.L. Prohibited Cough Syrup was



recovered. It is also alleged that the persons, who were present in the house were succeeded in fleeing away.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from the house of co-accused Gautam Kumar Choudhary and Rintu Choudhary and the petitioner has neither any concern with the alleged recovered cough syrup. It is next submitted that co-accused Rintu Choudhary @ Rituraj Kumar, from whose house the recovery has been made, has already been granted anticipatory bail by this Hon'ble Court in Cr. Misc. No. 34721 of 2021. It is next submitted that there is no compliance of Section 100 of the Cr.P.C. and moreover, the petitioner is in custody since 17.06.2022 only on suspicion.

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 alleged recovery has been made from the house of co-accused Gautam Kumar Choudhary and Rintu Choudhary and the said Rintu Choudhary has already been granted anticipatory bail by this court and the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his



conscious or constructive possession, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act 1st, Khagariya in connection with Khagaria P. S. Case No. 41 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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