

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49405 of 2021

Arising Out of PS. Case No.-364 Year-2018 Thana- HISUWA District- Nawada

Rambalak Choudhary, S/O Late Lato Choudhary, R/O Village-Tungi, P.S-
Hisua, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 24-06-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Hisua P.S. Case No. 364 of 2018 registered for the alleged offences under Section 30(a) of the Bihar Excise (Amendment) Act, 2016.

Learned counsel for the petitioner has submitted that, as per allegation, 15 liters of Mahua liquor was recovered from the embankment of water channel. However, the petitioner was not apprehended from the spot. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel for



the petitioner further submits that similarly situated co-accused persons, namely, Gorelal Choudhary and Koiri Choudhary have already been granted bail by a coordinate Bench of this Court vide order dated 06.03.2019 passed in Cr. Misc. No.13307 of 2019 and the petitioner is in custody since 20.04.2021. Regarding the antecedent of the petitioner, learned counsel has submitted that he has made accused in two other cases i.e. Hisua P.S. Case No. 166/17 under Section 30 (a) of Bihar Excise Act in which he is on bail and Hisua P.S. Case No.467 of 2020 under Section 30 (a) of Bihar Excise Act in which the petitioner is yet to obtain bail.

Learned APP has opposed the prayer for bail, submitting that the petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Nawada in connection with Hisua P.S. Case No.364 of 2018, subject to the following conditions :

- (i) The bail bond of the petitioner will be



accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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