

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48732 of 2021

Arising Out of PS. Case No.-146 Year-2021 Thana- WARISLIGANJ District- Nawada

DULARCHAND CHAUDHARY Son of Ritu Chaudhary Resident of Village-
Barnama, Police Station- Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate.

For the Opposite Party/s : Mr.Veena Rani Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with Warsaliganj P.S. Case No. 146 of 2021 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 9 litres of Mahua liquor was recovered beneath the bridge situated at Sakri River.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been



implicated in this case. Nothing has been recovered from conscious possession of the petitioner rather petitioner was the passerby. Even from the seizure list, it appears that the petitioner has not signed the same which falsifies the very allegation made against him. Petitioner who is in custody since 18.04.2021 be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner taking into consideration that the illicit trade of liquor is rampant in the State of Bihar and the authorities concerned especially Superintendent of Police, Nawada has not even taken up the investigation in proper manner as it appears from the impugned order.

Considering the aforementioned facts and circumstances of the case, nothing has been recovered from conscious possession of the petitioner and the period of custody of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, Nawada in connection with Warsaliganj P.S. Case No. 146 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

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

(3) 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.

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

The Superintendent of Police, Nawada is directed to appear before the trial court and furnish a report as to what steps have been taken by him immediately after seizure of the liquor made beneath the bridge located near Sakri river. If the report is not satisfactory, proper action must be taken against the officials who were involved in conduct of the seizure list at the above named place.

(Purnendu Singh, J)

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