

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41039 of 2022

Arising Out of PS. Case No.-314 Year-2020 Thana- AWTARNAGAR District- Saran

Rakesh Chaudhary S/o Ram Chandra Chaudhary R/o village- Kamalpur, P.S.-
Awtarnagar, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Singh, Advocate.

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-08-2022 Heard Mr. Upendra Kumar Singh, learned counsel
appearing on behalf of the petitioner and Ms. Veena Kumari
Jaiswal, 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
Awtarnagar P.S. Case No. 314 of 2020 for the offence
punishable under Sections 30/30(a) of the Bihar Prohibition and
Excise Act.

The allegation is of recovery of 60 litres of country
made liquor from the place of occurrence. Petitioner was not
apprehended on the spot.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered either from the house of the petitioner or from his conscious possession. The alleged recovery has been made from an open place which is accessible to anyone. He has no concern either with the manufacturing of liquor or its trade in any manner. Charge sheet has already been submitted, as such, there is no question of tampering the evidence or influencing the witnesses. Petitioner is in custody since 22.11.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of the



learned 2nd Additional Sessions Judge, Excise, Saran in connection with Awtarnagar P.S. Case No. 314 of 2020, 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.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

