

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51354 of 2021

Arising Out of PS. Case No.-335 Year-2021 Thana- MAHUA District- Vaishali

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1. Mukesh Chaudhary @ Mukesh Kumar, Son of Shambhu Chaudhary, Resident of Village- Sadapur, P.S.- Mahua, District- Vaishali.
 2. Raghunath Chaudhary, Son of Late Sobhit Chaudhary, Resident of Village- Sadapur, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra, Advocate
For the Opposite Party/s : Dr. Mirtunjaya, Advocate
Mr. Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 19-01-2022 The applicants are given out of turn hearing because the applicants have placed on record the prescription from the Apollo Nursing Home recommending heart surgery of father of the applicant no. 1.

The applicants/accused in Crime No. 335 of 2021 registered with Mahua Police Station for the offences punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2018, by this application are seeking their release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicants/accused. He submits that applicants are not having any criminal antecedent and the investigation of the crime in question is over. They are behind the bars from last few months.



The learned Additional Public Prosecutor opposed the application by contending that the offence is serious.

I have considered the submissions so advanced and also perused the material placed before me.

It is not in dispute that the applicants are not having any criminal antecedent. On the basis of secret information, premises of the applicants were raided by the police and from the premises of applicant Mukesh Chaudhary @ Mukesh Kumar, around 30 litres illicit liquor came to be seized and from the premises of the applicant Raghunath Chaudhary, about 100 litres country made liquor came to be seized.

The investigation of the crime in question is over. There is no propriety in further pretrial detention of the applicants who are having no criminal antecedent and hence, the order :-

i. The application is allowed.

ii. The applicants/accused in Crime No. 335 of 2021 registered with Mahua Police Station for the offences punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2018 be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) each on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicants/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against them so as to dissuade them from



disclosing such facts to the Court or to any police officer.

(II) The applicants/accused should cooperate the trial court in expeditious disposal of the trial against them.

(III) The applicants/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicants/accused.

Bhardwaj/-

(A. M. Badar, J)

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