

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58200 of 2021**

Arising Out of PS. Case No.-272 Year-2019 Thana- GAUTAMBUDHNAGAR District-  
Siwan

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Rohit Chaudhary, Son of Bunilal Pasi @ Bunilal Chaudhary @ Munilal Chaudhary, Resident of Village - Mishrawaliya P.S. - G.B. Nagar, District-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      07-04-2022                      Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with G.B. Nagar P.S. Case No. 272 of 2019 for the offences punishable under Sections 30(a), 33, 34, 36, 38 and 41(i) of the Bihar Prohibition & Excise Act, 2016.

As per prosecution case it is alleged that the police on secret information raided the house of the petitioner from where 169.900 litres of foreign liquor and country made liquor have been recovered. It is alleged that from the house, the police



arrested the father and brother of the petitioner.

It is submitted on behalf of the learned counsel for the petitioner that the petitioner was not arrested on the spot nor he was found present at the place of occurrence. It is submitted that the recovery has been made from the joint family house and only he being the member of the said family has been implicated in the present case. It is next submitted that the petitioner has got clean antecedent and is in custody since 31.03.2021 and moreover the investigation has already been concluded and the charge-sheet has also been submitted.

On the other hand, learned APP for the State opposes the prayer for bail and submits that the recovery has been made from the house of this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was not arrested at the spot and the recovery has been made from the house of joint family of which petitioner is only a member. Further the petitioner has got clean antecedent and is in custody since 31.03.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-



Special Judge, Excise, Siwan in connection with G.B. Nagar  
P.S. Case No. 272 of 2019 with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond shall be cancelled by the Court below.

(b) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

**(Harish Kumar, J)**

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