

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55944 of 2021

Arising Out of PS. Case No.-255 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Fudan Chaudhary, Son of Kedar Chaudhary, Resident of Village - Sigaila,
P.S.- Motipur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Motipur P.S. Case No.255 of 2020 registered for the offences punishable under Sections 30(a) and 41(1)(2) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 01.08.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that, as per the prosecution story, 50.250 liters of English wine has been recovered from the joint family house of the petitioner.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the recovery was made from the joint family house of the petitioner, the petitioner has no exclusive control over the said house and he has constructed a new house which is at a distance of one and half kilometer from the old house where he is presently residing. It is submitted that the petitioner has remained in custody in connection with this case since 01.08.2021 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that 50.250 liters of English wine has been recovered from the joint family house of the petitioner, the petitioner has no exclusive control over the said house and he has constructed a new house which is at a distance of one and half kilometer from the old house where he is presently residing, he has no criminal antecedent and has remained in custody in connection with this case since 01.08.2021, investigation against him is complete and his presence may be secured in course of trial, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the



satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Motipur P.S. Case No.255 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

