

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46038 of 2022**

Arising Out of PS. Case No.-772 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Bhola Chaudhary Son of Sri Madan Chaudhary R/O Village- Siyari, P.S.-
Magadh Medical, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Excise P.S. Case No. 772 of 2019 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

Allegedly, the recovery of 320 litres of country made
liquor was made from the back side of the house of the
petitioner and the petitioner fled away from the spot.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. Nothing incriminating has been recovered from his conscious possession. The recovery has not been made from the house of the petitioner and the recovery has been made near a *palas* tree which was covered with bushes. The petitioner is in custody since 23.06.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents and he is accused in one other case.

Having regard to the submissions made hereinabove and considering the fact that the recovery has not been shown from this petitioner and further considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Exclusive Excise Court No-3, Gaya in connection with Excise P.S. Case No. 772 of 2019 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already



framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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