

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46809 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- NOKHA District- Rohtas

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RAJU CHAUDHARY @ RAJU SINGH S/O RAMAYAN CHAUDHARY @
RAMAYAN SINGH Resident of Village- Doma Tola, P.S.- Nokha, District-
Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramchandra Singh

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Nokha

P.S. Case No. 124 of 2022 registered for the offences punishable

under Section 30(a) of the Bihar Prohibition and Excise Act,

2018.

As per prosecution case, there is alleged recovery

of 296 litre country made liquor from the house of petitioner.

Learned counsel for the petitioner submits that

petitioner is in custody since 21.04.2022 and bears criminal

antecedent of one case which is not similar to the present case.



Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that seizure list has not been made as per law. No incriminating article has been recovered from the physical or conscious possession of the petitioner as the alleged recovery was made from the joint house of the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both the parties, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Court, Excise, Rohtas at Sasaram in connection with Nokha P.S. Case No. 124 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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