

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47957 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- NOKHA District- Rohtas

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1. SUNIL CHOUDHARY @ MITHUN SINGH S/O RAJ BALI CHOUDHARY Resident of village- Maharajganj Tola, P.S.- Nokha (Dharampura O.P.), District- Rohtas at Sasaram.
 2. DHANU CHOUDHARY @ DHANU KUMAR S/O WAKIL CHOUDHARY Resident of village- Maharajganj Tola, P.S.- Nokha (Dharampura O.P.), District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad
For the Opposite Party/s : Mr.Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-09-2022 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 petitioners and learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with Nokha (Dharampura O.P.) P.S. Case No. 174 of 2022 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of 50 litres country-made wine from the place of occurrence. The apprehended co-accused disclosed the name of petitioners and others who fled away from the place of occurrence.



Learned counsel for the petitioners submits that petitioners are in custody since 29.06.2022 and bear no criminal antecedent. He further submits nothing has been recovered from the conscious possession of the petitioners and they have been falsely implicated in this case due to dirty politics of village. Petitioners are not apprehended on spot.

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

Considering the facts and circumstances of the case, period of custody, petitioners are not apprehended on spot, keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners 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 learned Exclusive Special Excise Court No. 2- cum- Additional District and Sessions Judge, Rohtas at Sasaram in connection with Nokha (Dharampura O.P.) P.S. Case No. 174 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) Petitioners 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 petitioners tamper 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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