

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48283 of 2022

Arising Out of PS. Case No.-36 Year-2013 Thana- CHARPOKHARI District- Bhojpur

Bhawan Choudhary @ Ram Bhawan Choudhary S/o Late Mukhit Choudhary
R/o village- Manaini Tola (Majhiawan), P.S.- Charpokhari, District- Bhojpur
at Ara, Pin Code- 802223 (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Anant Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Charpokhari P.S. Case No. 36 of 2013
registered for the alleged offences under Sections 272 and 273
of the Indian Penal Code and Section 47(a) of the Bihar
Prohibition and Excise Act.

Allegedly, total 220 litres country made liquor, 5kg
Urea and 15 kg *mahua* were recovered from the bank of the
Banas River. The petitioner is said to have fled away from the
spot when the raid was being conducted.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not named in the FIR and his name transpired on the basis of the statement of local *chowkidar*. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The charge-sheet has been submitted and he is in custody since 03.07.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him, and charge-sheet has been submitted and further considering 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 Exclusive Special Excise Court-I, Bhojpur, Ara in connection with Charpokhari P.S. Case No. 36 of 2013, subject to the other conditions under Section 437(3) of the Cr.P.C. and 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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