

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58250 of 2021

Arising Out of PS. Case No.-152 Year-2021 Thana- CHANDAUTI District- Gaya

1. RAJU CHAUDHARY Son of Kundal Chaudhary @ Kundan Choudhari Resident of Mohalla - Dhaniabagicha, P.S. - Chandauti, District - Gaya.
2. Laddu Chaudhary Son of Kundal Chaudhary @ Kundan Choudhari Resident of Mohalla - Dhaniabagicha, P.S. - Chandauti, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 28-04-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Chandauti P.S. Case No. 152 of 2021 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is of recovery of 50 litres of mahua wine, 50 litres jawa mahua and 10 Kg dry Mahua from the joint house of the petitioners.

Learned counsel appearing on behalf of the petitioners



submits that the petitioners are innocent and they have falsely been implicated in this case. Nothing has been recovered from conscious possession of the petitioners. They have no concern either with the manufacturing of liquor or its trade in any manner. Petitioners have clean antecedent and they are in custody since 14.06.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioners on bail.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by the petitioners, without going into the merits of the case, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.100,000/- (Rupees one lac) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II cum Special Judge, Excise, Gaya in connection with Chandauti P.S. Case No. 152 of 2021, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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