

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50052 of 2022

Arising Out of PS. Case No.-401 Year-2021 Thana- ATRI District- Gaya

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Gaya Chaudhary @ Gaya Chaudhari, Son of Rameshwar Chaudhary @
Rameshar Chaudhary ,Resident of Village - Sahora, P.S.- Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 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 Atri P.S. Case No. 401 of 2021 registered for
the alleged offences under Sections 272 and 273 of the Indian
Penal Code and Section 30(a)(d) of Bihar Prohibition and
Excise Act.

As per prosecution case, the police received secret
information about the petitioner and other co-accused persons
manufacturing country made *mahua* liquor near the bank of
Paimar River. A raid was conducted, but the petitioner and other
co-accused persons fled away on seeing the police party.



Recovery of 1500 litres of raw materials for manufacturing the illicit liquor was made which was destroyed. Apart from it a number of equipment for manufacturing the illicit liquor were seized and the furnace was destroyed.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he was not apprehended from the spot and nothing incriminating has been recovered from him. The recovery of contraband has been made from an open place and the petitioner has no concern either with the contraband which was destroyed or with the equipment which were seized. Though, it is stated that the petitioner was named by the farmers working there, but none of them has been made witness in this case. The petitioner is in custody since 05.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioners and others were involved in the manufacturing of illicit liquor.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and nothing incriminating has been shown from his conscious possession and further considering the period of custody of the



petitioner along with the submission of charge sheet against him, 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 No. 1, Gaya in connection with Atri P.S. Case No. 401 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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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