

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60437 of 2021

Arising Out of PS. Case No.-125 Year-2021 Thana- WARISLIGANJ District- Nawada

1. RAMANAND CHOUDHARY S/o Late Keshar Choudhary
2. Prabhat Choudhary S/o Ramanand Choudhary
Both are R/o village- Balopur, P.S.- Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State in virtual Court proceeding.

The petitioners seek bail in connection with Warisaliganj P.S. Case No. 125 of 2021 registered for the offence under Sections 30(a) and 37(c) of Bihar Prohibition and Excise Act.

There is recovery of 10 liters of country made Mahua liquor.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present



case. Petitioner-Prabhat Choudhary has got no criminal antecedent. He further submits that it appears from the FIR that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from a joint house property of the petitioners. He further submits that the petitioners have no knowledge about the illicit liquor and petitioners are in custody since 07.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that petitioner-Ramanand Choudhary carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Nawada in connection with Warisaliganj P.S.Case No.125 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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