

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51027 of 2022**

Arising Out of PS. Case No.-296 Year-2022 Thana- DARIYAPUR District- Saran

Rambabu Choudhary, S/o Jagarnath Choudhary, Resident of Village-  
Dariyapur, P.S.- Dariyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

**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 Dariyapur P.S. Case No. 296 of 2022 registered  
for the alleged offences under Sections 30, 30(a) and 30(b) of  
the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret  
information about petitioner manufacturing illicit liquor in his  
bamboo orchard. A raid was conducted and the petitioner was  
apprehended when he tried to escape. From the place of  
occurrence, 40 litres of country made liquor along with three  
gas cylinders were recovered.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The recovery has been shown from a bamboo orchard situated behind the house of the petitioner and the petitioner has got no concern with the said place. The petitioner has been apprehended in this case merely on suspicion. The petitioner is in custody since 28.05.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, 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 Additional District and Sessions Judge-IIInd-cum-1st Exclusive Special Judge Excise, Saran at Chapra in connection with Dariyapur P.S. Case No. 296 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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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