

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53414 of 2022

Arising Out of PS. Case No.-386 Year-2022 Thana- ARA NAGAR District- Bhojpur

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Jitendra Choudhari @ Langtu Son of Late Suresh Choudhari Resident of
Village - Dharhara, P.S.- Ara Town, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Pandey, 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 23-11-2022 Learned counsel for the petitioner submits that slight typing error has occurred in the paragraph-3 of the petition wherein it has been mentioned that the petitioner has got one criminal antecedent wherein it should have been mentioned that the petitioner has got no criminal antecedent. He seeks permission to correct the mistake.

Learned counsel for the petitioner is permitted to correct the mistake in course of the day.

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 Ara Town P.S. Case No. 386 of 2022 registered



for the alleged offences under Sections 30 (a)/37 of the Bihar Prohibition Act and Excise Act, 2016.

As per prosecution case, police received secret information that trading of illicit liquor in huge quantity had been taking place in the house of the petitioner. A raid was conducted and three co-accused persons were apprehended from the said place. Recovery of total 290 litres of country made *chulai* liquor was made from the courtyard of the house of the petitioner.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The recovery of illicit liquor is stated to be from an open courtyard by the side of the house of the petitioner. The search and seizure has been made by the police personnel against a mandatory provisions of the Code of Criminal Procedure and the witnesses of the seizure list are all members of the said raiding party. This makes the prosecution case is doubtful and suspicious. The petitioner is in custody since 25.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and further considering the clean antecedent of the petitioner and the submission of charge-sheet and the period of custody of this petitioner, 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 Special Excise Court No.1, Bhojpur at Ara in connection with Ara Town P.S. Case No. 386 of 2022, 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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