

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63652 of 2021

Arising Out of PS. Case No.-455 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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1. Sujit Chaudhary, Son of Rajju Chaudhary Resident of Village - Ambika Bigha, Jakkichak, P.S. - Muffasil, District - Nawada.
 2. Awadhesh Chaudhary, Son of Kuldip Chaudhary Resident of Village - Nannura, P.S. - Nardiganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioners and the
learned APP for the State.

The petitioners seek bail in connection with G.O.
Case No.455 of 2021 instituted for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is alleged recovery of 45 litres country-made
liquor from the river bank. 2800 Kg. *Jawa Mahuwa* was
allegedly destroyed in the process of raid. The petitioners have
been arrested from the place of recovery.

Counsel for the petitioners submits that the
petitioners have been implicated on extraneous considerations
by one Rambaran Chaudhary, who is inimical to the father of



Petitioner No.2. Petitioner No.1 is also a relative of Petitioner No.2. The petitioners are having no antecedents and are in custody since 20.08.2021. Even as per prosecution case, there is only recovery of 45 litres of illicit country-made liquor as 2800 Kg. *Jawa Mahuwa* was allegedly destroyed in the process of raid. Investigation is also complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody as also the fact that the petitioners have no criminal antecedents and their further custody would serve no purpose, since it is submitted that the investigation is already complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum-Special Judge, Excise Act, Nawada, in connection with G.O. Case No.455 of 2021, subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the



petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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