

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54213 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- DAWATH District- Rohtas

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Baban Chaudhary S/o Late Devkal Choudhary, R/o village- Bhaisada, P.S.-
Dinara, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Adv.

For the Opposite Party/s : Ms. Asha Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 20-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Dawath P.S. Case No. 117 of 2022, lodged under Section 30(a)
of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, the recovery of 5 liter of *desi*
mahua wine has been made, which is the subject matter relating
to the present case.

Learned counsel for the petitioner submits that from
the seizure list, it transpires that the said recovery was alleged to
be made at a place which is a public place i.e. Dihri-Bhaisra
Nahar Pool. He further submits that petitioner is in custody

since 15.08.2022 and there are 2 criminal cases pending against him, in which he is on bail in both the cases. He also submits that petitioner is ready to fulfill all the conditions, whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail but submits that only 5 liter *desi mahua* wine has been recovered from a public place.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court-I, Rohtas at Sasaram in connection with Dawath P.S. Case No. 117 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the

petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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