

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54737 of 2022

Arising Out of PS. Case No.-212 Year-2022 Thana- ROHTAS District- Rohtas

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Satyendra Chaudhary @ Jhagru, S/O Late Hari Narayan Chaudhary, Resident of Village- Kerpa P.S.- Rohtas (Amjhor), District- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55736 of 2022

Arising Out of PS. Case No.-212 Year-2022 Thana- ROHTAS District- Rohtas

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Dina Nath Choudhary, S/o Late Jagdeo Chaudhary, Resident of Village- Saraiya, P.S.- Rohtas (Amjhor), District- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 54737 of 2022)

For the Petitioner/s : Mr. Kamla Kant Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 55736 of 2022)

For the Petitioner/s : Mr. Kamla Kant Pandey, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Since both the applications arise out of Rohtas (Amjhor) P.S. Case No. 212 of 2022, as such, they have been taken together and are being disposed of by this common order.

Heard learned counsel for the petitioners 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 petitioners seek bail in connection with Rohtas (Amjhor) P.S. Case No. 212 of 2022 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, the police received secret information about co-accused Mahendra Paswan selling illicit liquor after manufacturing the same. A raid was conducted at the identified place and the petitioners were apprehended from the said place. The co-accused Mahendra Paswan fled away from the spot. On search of the place of occurrence, about 50 liters of country made liquor and other equipments for manufacturing the liquor were recovered and seized.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The recovery of 50 liters of illicit liquor was made from the *Dila of Sone River*. The petitioners have no concern with the place of occurrence. They were not even present at the spot. The petitioners are in custody since 14.06.2022 and charge-sheet has been submitted in this case. The petitioners are having clean antecedents.



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 submission of charge-sheet along with period of custody of the petitioners and further considering the clean antecedents of the petitioners, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II, Excise Act, Rohtas at Sasaram in connection with Rohtas (Amjhor) P.S. Case No. 212 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 petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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