

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55991 of 2022**

Arising Out of PS. Case No.-129 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Nawada

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HULASH CHOUDHARY @ HULASH MANJHI Son of Late Jaldhari  
Choudhary Resident of Village- Beldih, P.S.- Roh, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      21-10-2022                      Let the defect(s), as pointed out by the office, be  
  
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with G.O.  
  
Case No. 129 of 2022 registered for the offences punishable  
  
under Sections 30(a) and 30(c) of the Bihar Prohibition and  
  
Excise Amendment Act.

As per prosecution case, there is alleged recovery  
  
of 120 KG illicit Java Mahua and 20 liter country made liquor  
  
from the place of occurrence. Petitioner and other apprehended  
  
on spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 10.02.2022. Petitioner bears no criminal antecedent. Learned counsel further submits that nothing has been recovered from the conscious possession or personal possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. Petitioner is innocent and has falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court IInd Nawada in connection with G.O. Case No. 129 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

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