

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56543 of 2022

Arising Out of PS. Case No.-114 Year-2022 Thana- NASRIGANJ District- Rohtas

Santosh Chaudhary @ Tedhaka Son of Lakshman Chaudhary R/o-
Hariharganj Ward No. 14, P.S- Nasriganj, Dist- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chhote Lal Mishra, Advocate Mr. Jyoti Prasad, Advocate
For the Opposite Party/s	:	Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, 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 Nasriganj P.S. Case No. 114 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, police received secret
information that the petitioner and the co-accused had been
bringing illicit liquor on their motorcycle and were indulging in
sale and purchase of the same. A raid was conducted at the
identified place and the co-accused and the petitioner escaped



from the spot leaving behind their vehicles. On search of the motorcycle 110 liters of illicit country made mahua liquor was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The name of the petitioner was disclosed by local *chowkidar* due to enmity and it is not believable that local *chowkidar* identified the petitioner in the darkness of night. The petitioner has no concern with the motorcycle which was seized by the police. Nothing incriminating has been recovered from the conscious possession of the petitioner and he has got no concern with the allegedly seized liquor. Learned counsel further submits that the co-accused Shankar Chaudhary has been granted bail by this Court vide order dated 19.11.2022 passed in Criminal Misc. No. 54753 of 2022. The petitioner is in custody since 16.07.2022 and charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and



no recovery has been shown from his conscious possession and also considering the submission of charge-sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.2-cum-Additional District and Sessions Judge, Rohtas at Sasaram, in connection with Nasriganj P.S. Case No. 114 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 for 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)

Ashish/-

U		T	
---	--	---	--

