

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65403 of 2021**

Arising Out of PS. Case No.-232 Year-2021 Thana- KHIJARSARAI District- Gaya

RAJESH CHAUDHARY Son of Late Ramprit Chaudhary Resident of
Village- Saidpur, P.S.- Khijarsarai, Dist- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 07-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Khizersarai P.S. Case No. 232/ 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, four litres of illicit country made Mahua wine was recovered from the house of the petitioner. It is also alleged that ten litres of illicit country made Mahua wine was recovered from the house of co-accused Mintu Manjhi.



Learned counsel for the petitioner submits that it appears from the FIR that only 4 litres of country made Mahua wine has been recovered from the house of the petitioner. He further submits that nothing has been recovered from conscious possession of the petitioner. He further submits that petitioner lives in joint family property and other family members also reside in the said house. He further submits that petitioner was not arrested on the spot and he is in custody since 14.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-2nd cum the Court of Special Judge (Excise Act), Gaya in connection with Khizersarai P.S. Case No. 232/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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