

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54989 of 2022

Arising Out of PS. Case No.-204 Year-2022 Thana- NOKHA District- Rohtas

Moti Chaudhary, Son of Late Kedar Chaudhary, Resident of Village- Shivpur,
Police Station- Nokha, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghunandan Kumar Singh, Advocate Ms. Riya Singh, Advocate Mr. Binay Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner 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 petitioner seeks bail in
connection with Nokha P.S. Case No. 204 of 2022 registered
for the alleged offences under Section 30(a)(c) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, police received secret
information about preparation and selling of illicit liquor. A raid
was conducted at the identified place and after seeing the police
party, the petitioner and other co-accused fled away from the
spot. On search being made, total 60 liters of country made



mahua liquor and 2000 liters of raw *mahua* were recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was made accused on the basis of secret information received and other than that nothing suspicious has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge of the presence of liquor in the said field. Moreover, the petitioner was not apprehended from the spot. Due to village politics, the petitioner has been falsely implicated in this case. Charge sheet has been submitted in this case and the petitioner is in custody since 13.07.2022.

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

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not been arrested from the spot and no recovery has been shown from his conscious possession and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise



Court No. 2-cum-Additional District and Sessions Judge,
Rohtas at Sasaram in connection with Nokha P.S. Case No. 204
of 2022, subject to the conditions mentioned in Section 437(3)
of the Code of Criminal Procedure and also 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 on 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)

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