

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65396 of 2021

Arising Out of PS. Case No.-344 Year-2021 Thana- KHAIRA District- Saran

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NARESH CHAUDHARY Son of Marai Chaudhary R/o Village - Rouza, P.S.-
Khaira (Nagra), District - Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan

For the Opposite Party/s : Mr.Tapeshwar Sharma

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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 Khaira (Nagra) P.S. Case No. 344 of 2021 registered for the offences punishable under Sections 30/30(a) of Bihar Prohibition of Excise Act, 2016.

There is recovery of 6 litres of illicit country made liquor from the room of the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that 6 litres of illicit



liquor kept in plastic bottle was recovered from the room of the petitioner. He further submits that nothing has been recovered from conscious possession of the petitioner and the rest recovery of liquor has been made from the house of co-accused Suresh Choudhary. He further submits that petitioner is in custody since 11.10.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries three 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-2 cum Special Court (Excise), Saran at Chapra in connection with Khaira (Nagra) P.S. Case No. 344 of 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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