

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55958 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- DARIYAPUR District- Saran

1. Pappu Chaudhary Son of Late Raghubir Chaudhary Resident of village - Mahamadpur (Bela), P.S.- Dariyapur, Distt.- Saran at Chapra.
2. Lal Babu Chaudhary Son of Late Raghubir Chaudhary Resident of village - Mahamadpur (Bela), P.S.- Dariyapur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioners 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 petitioners seek bail in
connection with Dariyapur P.S. Case No. 263 of 2022 registered
for the alleged offences under Sections 30/30(a), 30(b) of the
Bihar Excise Act, 2012.

As per prosecution case, police received secret
information about petitioners and other co-accused persons
manufacturing country made liquor and on raid being
conducted, total 30 litres of country made liquor with elements



for manufacturing liquor were recovered from the place behind the house of co-accused Bihari Chaudhary. Further recovery of 15 litres of country made liquor was made from the house of co-accused Champa Devi. Recovery of 40 litres of country made liquor and two gas cylinders were made from the house of the petitioner Lal Babu Chaudhary where it was kept concealed. Similarly from the backside of the house of the petitioner Pappu Chaudhary, 25 litres of country made liquor with two gas cylinders were recovered.

The learned counsel for the petitioners submit that the petitioners were not apprehended from the spot and nothing incriminating has been recovered from their conscious possession. The petitioners are in custody since 06.08.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioners are having criminal antecedent.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the custody of the petitioners along with the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction



of learned Additional district and Sessions Judge 2nd-cum-1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Dariyapur P.S. Case No. 263 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 petitioners.

(ii) The petitioners 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 bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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