

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55480 of 2022

Arising Out of PS. Case No.-412 Year-2022 Thana- DARIYAPUR District- Saran

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1. Lal Babu Chaudhary Late Raghbir Chaudhary Resident of Village-Mohammadpur (Bela), P.S.- Dariyapur, District- Saran at Chapra
 2. Pappu Chaudhary Son of Late Raghbir Chaudhary Resident of Village-Mohammadpur (Bela), P.S.- Dariyapur, District- 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 : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 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. 412 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 198 litres of
country made liquor was made from the petitioners who were
apprehended with the contraband.

The learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. No recovery has been made from their conscious possession rather it was made from the back side of the house of the petitioners. Charge-sheet has been submitted in this case and the petitioners are in custody since 18.07.2022.

Learned APP opposes the prayer for bail submitting that the petitioners are habitual offenders.

Having regard to the submissions made hereinabove and considering the period of custody of the petitioners as well as submission of charge-sheet against them, 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. 412 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 petitioners.
- (ii) The petitioners 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 bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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