

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56486 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- NOKHA District- Rohtas

1. Ramesh Chaudhary @ Jangli Chaudhary @ Rameshwar Singh S/O Bhaiya Ram Chaudhary Resident Of Village- Maharajganj, P.S.- Nokha, District- Rohtas.
2. Yogendra Chaudhry S/O Haridwar Choudhary Resident Of Village- Maharajganj, P.S.- Nokha, District- Rohtas.
3. Pradeep Chaudhary S/O Late Tilak Chaudhary @ Tilak Chaudhary Resident Of Village- Maharajganj, P.S.- Nokha, District- Rohtas.
4. Jitendra Chaudhary S/O Kamakhya Chaudhary Resident Of Village- Maharajganj, P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra
For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 23-11-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Nokha
(Dharmapura) P.S. Case No. 174 of 2022, registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act 2018.

As per allegation is that 50 litres country-made
wine has been recovered from the place of occurrence.

The learned counsel for the petitioners submits that



the petitioners are innocent and have falsely been implicated in this case. He further submits that there is no recovery of alleged liquor from the conscious possession of the petitioners. He also submits that similarly situated co-accused persons, namely, Sunil Choudhary and Dhanu Choudhary have already been enlarged on bail by co-ordinate Bench of this Court vide order dated 16.09.2022 passed in Cr. Misc No. 47957 of 2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special



Excise, Court No. 2 cum Additional District and Sessions Judge Rohtas at Sasaram in connection with Nokha (Dharanpur) P.S. Case No. 174 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and



getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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