

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57661 of 2022

Arising Out of PS. Case No.-5 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

LALESH CHOUDHARY @ SHAILESH KUMAR SINGH Son of Lal Mohar
Choudhary Resident of Village- Wazirganj, P.S.- Sasaram(Muffusil), District-
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-11-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Sasaram(M) Police Station Case No. 05 of 2018 registered
for the offences punishable under Sections 30 (a), 35 and
38 of Bihar Prohibition and Excise Act.

As per allegation, 231 litres of beer and 105 litres
of spirits were recovered from bush.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the petitioner was not
apprehended on spot and the recovery has been made from



bush. He also submits that the search and seizure has not been made as per the procedure prescribed under Section 100 Cr.P.C.

The petitioner has been languishing in jail since 18.08.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accuse in three more cases.

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

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) 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, Sasaram in connection with Sasaram (M) Police Station Case No. 05 of 2018 on the following conditions:



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

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

(iii) The petitioner 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 petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his 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 petitioner.

The application stands allowed accordingly.

The Ld. counsel for the petitioner 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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