

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58718 of 2022**

Arising Out of PS. Case No.-265 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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Anil Chaudhary, Son of Late Rajendra Chaudhary, Resident of Village-
Shakpurwa, P.S.- Nokha, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59530 of 2022

Arising Out of PS. Case No.-265 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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Ramwati Kuar @ Ramawati Kuar, W/o Late Kedar Chaudhary, R/V-Shivpur,
P.S.- Nokha, Distt- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 58718 of 2022)

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

(In CRIMINAL MISCELLANEOUS No. 59530 of 2022)

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Since both the applications arise out of Excise Case

No. 359 of 2022 arising out of Excise P.S. Case No. 265 of

2022, as such, they have been taken up together and are being

disposed of by this common order.

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 Excise Case No. 359 of 2022 arising out of Excise P.S. Case No. 265 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, recovery of 25 litres of country made *chulai* liquor was made. On seeing the police party two persons started fleeing away from the spot and after chase both of them were apprehended.

The learned counsel for the petitioners submits that the petitioners are innocent and have never been involved in the illicit trade of liquor. The recovery has been shown from an open place which is accessible to all so no liability could be fastened on the petitioners. The petitioners have been made accused in this case due to village politics. The petitioners have no concern either with the seized liquor or the place from where the recovery has been shown. Prosecution report has been submitted in this case and the petitioners are in custody since 18.08.2022.

Learned APP opposes the prayer for bail submitting that the petitioners the petitioner Ramawati Kuar has got criminal antecedents.



Having regard to the submissions made hereinabove and considering the fact that nothing incriminating has been recovered from the petitioners and further considering the submission of prosecution report against the petitioners, 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 Exclusive Special Judge, Court No.1, Rohtas at Sasaram in connection with Excise Case No. 359 of 2022 arising out of Excise P.S. Case No. 265 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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