

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60495 of 2022

Arising Out of PS. Case No.-173 Year-2020 Thana- LADANIA District- Madhubani

Kamlesh Chaudhary @ Raslal Chaudhary Son of Yogendra Chaudhary R/V-
Kataha, P.S- Ladaniya, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh, Advocate
For the Opposite Party/s: Mrs.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and
learned APP for the State through video conferencing.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connec-
tion with Ladaniya P.S. Case No. 173 of 2020 registered for the
alleged offences under Sections 272, 273, 414 and 34 of the In-
dian Penal Code and under Section 3(ii) of Foreign Trade (De-
velopment and Regulation) Act, 1992 and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret infor-
mation about petitioner and other co-accused persons doing il-
licit trade of liquor from their houses. A raid was conducted and
from the house of the petitioner 722 litres of Nepali country
made liquor was recovered. The petitioner was found abscond-



ing. Further recovery of illicit liquor was made from the houses of the co-accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and he was not apprehended from the spot. Nothing incriminating has been recovered from the conscious possession of the petitioner. The present case is an offshoot of Ladaniya P.S. Case No. 172 of 2020 for the offences punishable under Sections 364 and 34 of the Indian Penal Code which was instituted by a *chowkidar* for the kidnapping of his son against 15 unknown persons who came on 5 motorcycles. This *chowkidar* falsely implicated the petitioner and no recovery of any illicit liquor was made from the house of the petitioner. Moreover, the house of the petitioner is a joint family house and apart from him his parents, brother and cousins also reside under the same roof. Two similarly placed co-accused persons namely Ram Dayal Das and Raju Chaudhary have been granted bail by different Coordinate Benches of this Court vide order dated 22.12.2021 passed in Cr. Misc. No. 70546 of 2021 and vide order dated 05.08.2022 passed in Cr. Misc. No. 28249 of 2022, respectively. The petitioner is in custody since 08.09.2022 and charge-sheet has been submitted.



Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Ladaniya P.S. Case No. 173 of 2020, 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 petitioner.
- (ii) The petitioner 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 bond of the petitioner will be liable to be cancelled by the court concerned.

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(Arun Kumar Jha, J)

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