

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71191 of 2021**

Arising Out of PS. Case No.-674 Year-2021 Thana- SHERGHATI District- Gaya

Mithlesh Chaudhary, Son of Late Ram Jatan Chaudhary Resident of Village -
Mayapur, P.S.- Hunterganj, District - Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar, Adv.
For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Sherghati P.S. Case No.674 of 2021 instituted under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the FIR, the police upon information
intercepted a motorcycle and it is alleged that 14.625 liters of
Indian made foreign liquor was recovered/seized and the
apprehended persons were taken into custody. Accordingly, the
FIR was lodged.

Learned counsel for the petitioner submits that he was
merely present at the place of the occurrence and has falsely



been implicated by the police only because he has criminal antecedent of the same nature. He further submits that he has suffered a lot by being in jail since 18.10.2021 (as stated in para-11 of the bail application).

Considering the aforesaid fact that petitioner is in custody since 18.10.2021, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail but with certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Sherghati P.S. Case No.674 of 2021 to the satisfaction of learned Special Excise Court, Gaya, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his



presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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