

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61514 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- KARAHGAR District- Rohtas

Mantu Chaudhary @ Ashok Chaudhari S/o Late Tapeswar Chaudhary R/v-
Rampur Bagicha Tola, P.S.- Kargahar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63130 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- KARAHGAR District- Rohtas

Raja Ram Chaudhary S/o Osiyar Chaudhary R/o Village- Rampur Bagicha
Tola, P.S.- Karagahar, Distt- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61514 of 2022)

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Arun Kumar

(In CRIMINAL MISCELLANEOUS No. 63130 of 2022)

For the Petitioner/s : Mr. Chhote Lal Mishra

For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Kargahar P.S. Case No. 330 of 2021, registered for the

offences punishable under Section 30(a) of Bihar Prohibition

and Excise (Amendment) Act, 2018.



As per allegation, 55 litres of country made liquor has been recovered from open space.

The learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They also submit that nothing has been recovered from conscious possession of the petitioners. They also submit that search and seizure has not been made as per the procedure prescribed under Section 100 Cr. P.C.

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 of the petition that the petitioners have earlier been made accused in three other cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioners 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 Judge Excise First, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 330 of 2021 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 them 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)

ashishkr/-

U		T	
---	--	---	--

