

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68381 of 2022

Arising Out of PS. Case No.-407 Year-2022 Thana- BHAGWAN BAZAR District- Saran

1. Sudama Chaudhary Son of Late Basgit Chaudhary @ Vasangit Chaudhari R/V- Nabiganj Bintolia, P.S- Bhagwan Bazar, Dist- Saran
2. Vishwakarma Chaudhary Son of Late Jaleshwar Chaudhary R/V- Nabiganj Bintolia, P.S- Bhagwan Bazar, Dist- Saran
3. Ranjeet Chaudhary Son of Late Babulal Chaudhary R/V- Nabiganj Bintolia, P.S- Bhagwan Bazar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Bhagwan
Bazar P.S. Case No. 407 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 22.08.2022.

The allegation against the petitioners is to involve in



illegal trading/manufacturing of country made liquor, where 210 liters of IMFL/country made liquor was recovered from an open place.

Learned counsel appearing on behalf of the petitioner submitted that the alleged illicit liquor was made near tubewell of Bind Toli, Nanganj, which is an open place accessible by general public. It is also pointed out that the seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is categorically submitted that petitioners are men of clean antecedents and moreover, investigation in this case is complete for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as alleged recovery of illicit liquor appears to be made from public place, in the background of doubtful seizure list, being not supported by independent witnesses coupled with the fact that charge-sheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Bhagwan Bazar P.S. Case No. 407 of 2022



on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-2nd-cum-Exclusive Special Court Excise No.- I, Saran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C. with further condition:-

“That Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioners duly supported by the documents.”

(Chandra Shekhar Jha, J)

Pooja-Anup/-

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