

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2355 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- DUMRAO District- Buxar

Sundar Chaudhary Son of Bir Bahadur Chaudhary Resident of Village -
Purana Bhojpur, P.S.- Dumraon, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Rang Nath Choubey, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Dumraw (Naya Bhojpur O.P.) P.S. Case No. 322 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The police on secret information raided the house of the petitioner and in course of search five liters of country made liquor was recovered. It is alleged that on noticing the police party one person fled away, who has been recognized as the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his



conscious possession and so far the recovered country made wine is concerned, that does not belong to him. He further submits that the seizure list does not contain the signature of any of the members of the house, who were residing therein. He next submits that false implication of the petitioner is made on the basis of his past criminal antecedent, as the petitioner is carrying three criminal antecedent over his head and now he is in custody since 09.11.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the house of the petitioner, which is a joint family house where several persons reside and the seizure list does not contain the signature of any member of the house, coupled with the fact that the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-1, Buxar in connection with Dumraw (Naya Bhojpur O.P.) P.S. Case No. 322 of 2022, subject to the condition that one of the bailors will be the close relatives of the



petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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