

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18064 of 2023

Arising Out of PS. Case No.-165 Year-2021 Thana- LAURIA District- West Champaran

AJAY CHAUDHARY SON OF BIRJHAN CHAUDHARY R/O VILL.-
DEURWA, P.S.- LAURIYA, DISTT.- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zainul Abedin, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 17-05-2023

Heard the parties.

The petitioner is in custody in connection with Lauriya P.S. Case No. 165 of 2021 registered for the offence under sections 328, 302, 307 read with section 34 of the Indian Penal Code and section 30(a), 33, 37(c) of the Bihar Prohibition and Excise Act, 2018.

As per the allegation in the FIR, this petitioner alongwith Suresh Sah, Rambriksh Choudhary, Ajay Choudhary. Amresh Ram and Bhadar Sah with Suresh Badhai used to sell country made liquor.

Further the allegation in the FIR is that on 12.7.2021, informant's brother as also some of the villagers including Bikau Ansari, Mumtaz Ansari and Bhagwan Panda had consumed the said country made liquor being sold by the aforesaid accused persons including the petitioner herein. Subsequently, after consuming the said liquor, it is alleged that



Bikau Ansari, Bhagwan Panda and the brother of the informant died whereas Mumtaz Ansari became seriously ill and was being hospitalized.

The informant has alleged that due to spurious country made liquor being sold by the petitioner and other accused persons, three persons died.

Earlier the bail application was rejected vide order dated 19.05.2022 passed in Cr. Misc. No. 472413 of 2021.

Once again the present petition has been filed in which report was called for.

A report of the learned Additional District & Sessions Judge-IX, Bettiah, West Champaran vide letter no. 91 dated 08.05.2023 has been received and as per the report, the case is pending for hearing on the point of charge.

The petitioner is in custody since 25.07.2021 (as stated in paragraph-11 of the application) and in that view of the matter, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 165 of 2021, subject to the 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 reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

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

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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