

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16105 of 2023

Arising Out of PS. Case No.-376 Year-2021 Thana- NAWADA District- Nawada

ANIL CHUAHDARY S/O Late Ramprasad Chaudhari @ Prasad Chaudhary
R/O Village- Gondapur, P.S- Nawada (Town), District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 25.06.2021 in connection with Nawada (Town) P.S. Case No. 376 of 2021, F.I.R. dated 02.04.2021 registered for the offence punishable under Sections 33/34/36 of Bihar Prohibition and Excise Act, 2016.

According to FIR, prosecution story in short, is that the informant Ramchandra Prasad, A.S.I. is investigating officer of Nagar P.S. (U.D.) Case No.17 of 2021 dated 01.04.2021. During the course of investigation of that case, on the basis of statement of informant and its witnesses he came to know that the informant Sunita Devi's husband Late



Prabhakar Kumar Gupta died due to drinking of spurious liquor. In investigation, it further came to his knowledge that the deceased Prabhakar Kumar Gupta had purchased wine from Usha Devi and drink it on 29.03.2021.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of the confessional statement of co-accused, namely, Usha Devi. Further submits that nothing has been recovered from conscious possession or the house of the petitioner and except the confessional statement of co-accused person, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 25.06.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.



Considering the aforesaid fact, nothing has been recovered from conscious possession or the house of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Nawada in connection with Nawada (Town) P.S. Case No. 376 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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