

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31252 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- AMNAUR District- Saran

CHHOTAN RAY SON OF BIRENDRA RAI RESIDENT OF VILLAGE-
MADHUBANI, PS -AMNOUR DISTT SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-05-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Amnaur
P. S. Case No. 18 of 2022 (Corresponding to Excise Trail
No. 657 of 2022), registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

As per allegation, 140 litres of country made liquor
and 1.5 litres of foreign liquor was recovered from the house
of the petitioner and 183.240 litres of liquor was recovered
from the house of one co-accused, Mukesh Kumar.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the house wherefrom the alleged liquor was recovered, is a joint family house.

He further submits that the petitioner has been languishing in jail since 09.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three more cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for anticipatory bail *vide* Cr. Misc. No. 31285 of 2022.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. 1st Exclusive Special Judge, Excise, Saran at Chapra, in



connection with Amnaur P. S. Case No. 18 of 2022
(Corresponding to Excise Trail No. 657 of 2022) on the
following conditions:

(i) The petitioner will make himself available for
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that
investigation/trial will not get hampered on account of his
absence or non-cooperation. He must be available to the
police or the court whenever his presence is required.

(iii) The petitioner 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 him
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 petitioner has criminal antecedents other than
the disclosed one, Ld. court below shall cancel the bail bonds
of the petitioner after hearing him and getting satisfied that
the petitioner has concealed his criminal antecedents despite
his 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, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner 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)

skm/-

U			
---	--	--	--

