

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36000 of 2023

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

SURAJ CHAUDHARY @ KARKU CHAUDHARY S/O RAJU
CHAUDHARY @ RAJO CHAUDHARY R/o Village-Chaudhary Tola,
Kharidi Bigha, P.S.-Nawada (Nagar), 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. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Nawada (Nagar) P.S. Case No. 376 of 2021 registered under Sections 33, 34 and 36 of the Bihar Prohibition and Excise Act, 2016 lodged on 02.04.2021 by the informant, Ram Chandra Prasad.

3. As per the prosecution story, the allegation is that in connection with Nagar P.S. (U.D) case no. 17 of 2021 during investigation and statement of the witnesses/ informant, it came to notice that the informant's husband Prabhakar Kumar Gupta had died due to consummation of spurious liquor which was purchased from one Usha Devi. Subsequently, the lady, Usha Devi was picked up from home and in her confessional statement, the name of the present petitioner cropped up,



whereafter he was arrested.

4. It is the case of the petitioner that only on the basis of surmises and conjectures, he has been picked up and made to suffer by being in custody since 25.06.2021 (as stated in paragraph-13 of the petition). Further once he was picked up, some more cases were foisted upon him. He further submits that one Laxman Yadav @ Laxman Kumar @ Lakshman Yadav @ Lakshman Kumar, who was on similar footing and his case was also taken up by the learned Special Excise Judge, Nawada, along with the petitioner and rejected on 06.02.2023 has since been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 31961 of 2023 vide order dated 22.05.2023.

5. Let the same be kept in record.

6. Taking into account the submission put forward by the learned counsel for the petitioner, period of custody (25.06.2021) as also that similar placed co-accused Laxman Yadav @ Laxman Kumar @ Lakshman Yadav @ Lakshman Kumar has since been granted bail, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive



Special Excise Judge - 1, Nawada in connection with Nawada (Nagar) P.S. Case No. 376 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 month for next one year 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.

(Rajiv Roy, J)

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