

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38526 of 2023

Arising Out of PS. Case No.-182 Year-2023 Thana- BAISI District- Purnia

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1. AJAY CHAUDHARY Son of Ramlakhan Chaudhary Resident of village - Zero Mile Lakanjhri, P.S. - Sadar, Distt. - Purnea
 2. MD MUBARK ALAM Son of Late Md. Mustak Resident of village - Aidhi Chopra, P.S. - Baisi, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard the parties.

The petitioners are in custody in connection with Baisi P.S. Case No. 182 of 2023 for the offence under Sections 272, 273, 353 and 34 of the Indian Penal Code and 30(a), 32, 41, 45 and 47 of Bihar Prohibition and Excise Act 2016 lodged on 29.04.2023 by the informant, Vijay Kumar Yadav.

The prosecution case, in brief, is that the informant got secret information that behind Chopra Mazar at NH 99, there is loaded '*Tari*' in Tempu. On that information, the informant proceeded to the place of occurrence along with other police officials. However, on the sight of the police party, three persons create hindrance. However, with the help of police, the tempu was surrounded but one person escaped while two



persons were arrested. Total 540 liter '*toddy*' was seized by the police in the presence of witnesses in tempo, seizure list prepared. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioners that the two petitioners are driver and passenger of the vehicle. The recovery is of 540 liter of '*toddy*' and have already suffered by being in custody since 30.04.2023 (as stated in paragraph-12 of the petition) and both of them do not have any criminal antecedent.

Learned APP opposes the prayer for bail.

Considering the aforesaid facts as also that they do not have criminal antecedent and ultimately will have to face the trail, this Court is inclined to extend them the privilege of bail with conditions.

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 Exclusive Special Excise Judge, Court No. 1, Purnea, in connection with Baisi P.S. Case No. 182 of 2023 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 petitioners 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 their bail bond by the Trial Court itself;

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

(iv) the petitioners 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 the bail bonds;

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

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/kiran/-

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