

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40150 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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Vaiju Choudhari @ Baiju Choudhary Son of Late Jagdish Choudhary
Resident of Village - Kajichak, Ward No. 02, P.S. - Mahesh Khunt, Distt. -
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody since 22.02.2023 in connection with Exice P.S. Case No.- 79/2023 for the offence punishable under Sections 30 (a) of Bihar Prohibiton and Exice (Amendment) Act, 2016 lodged on 21.02.2023 by the informant Rajkumar.

The prosecution story, in brief, is that on 21/02/2023, S.I. Rajkumar of Excise police has submitted a written report before the S.H.O. of Excise Police Station, Khagaria stating therein that on a secret information Excise Police conducted a raid in Ward No.- 03 of village Jhiktiya under Mahesh Khund police station. In course of raid, some persons started fleeing away but on chase three were apprehended and on interrogation



they disclosed their names as (i) Jagdeo Mandal (ii) Baiju Choudhary (petitioner) and (ii) Ranjit Kumar.

It is said that they had plastic jar in their hands and on search five (5) liters country made wine from the Jar of Jagdeo Mandal, 4 liters from the Jar of petitioner and one (1) liter country wine from the Jar of Ranjit Kumar was/were recovered. Thereafter recovered plastic jars and wine were seized and seizure list prepared in presence of members of raiding party and petitioner and two other co-accused persons were arrested on spot.

The recovery/seizure against the petitioner is of 4 liter of country made wine.

Taking into account the kind of recovery/seizure as also that he has been in custody since 22.02.2023, (as stated in 12 in the bail application), this Court is inclined to extend him 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 Speical Exice Judge-II, Khagaria, in connection with Exice P.S. Case No. 79/2023 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 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 bail bond by the Trial Court itself;

(iii) 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 the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/jyoti/-

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