

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42229 of 2023**

Arising Out of PS. Case No.-301 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.  
District- Lakhisarai

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Luxman Chaudhary Son of Gorelal Chaudhary Resident of Village-  
Dharamraichak, Ps- Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajnish Chandra, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      24-07-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period  
of four weeks from today.

3. The petitioner seeks bail in connection with  
Lakhisarai Excise P.S. Case No. 301C2 of 2023 registered for the  
offence under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is  
in custody since 24.03.2023.

5. The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is  
recovery of 15 litres of IMFL/country made liquor from the front of  
the house of co-accused.



6. Learned counsel appearing on behalf of the petitioner submitted that if seizure list of this case be taken into consideration then certainly the alleged recovery of illicit liquor was made from the front of the house of co-accused Meena Devi. It is further submitted that seizure list witness is also appears doubtful being not supported by independent witnesses, rather by police personnels of excise department. While concluding the argument, it has been submitted that petitioner found involved in three more cases of similar nature, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, and by taking note of fact as alleged recovery of illicit liquor appears to be made from the front of the house of co-accused Meena Devi not from this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Lakhisarai Excise P.S. Case No. 301C2 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V-cum-Exclusive Special Court-2 Excise Act, Lakhisarai/concerned court, subject to



the conditions as mentioned under Section 437 (3) of the Cr.P.C.,  
with further conditions:

“(i) That accused/petitioner shall  
not involve in the similar nature of offence  
till the conclusion of trial, failing which the  
State shall be at liberty to move before the  
Trial Court itself for the cancellation of bail  
bond of the petitioner.

(ii) That accused/petitioner shall  
cooperate in the trial and shall be physically  
present on each and every date before the  
Trial Court till conclusion of the trial and  
exemption from physical appearance be  
allowed by the Trial Court, only on medical  
ground of the petitioner, duly supported by  
the documents.

(iii) That one of the bailors shall be  
deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

Archana/-

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