

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42390 of 2023**

Arising Out of PS. Case No.-117 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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RAUSHAN KUMAR son of Rajesh Kumar Choudhary @ Chappu
Choudhary @ Rajesh Choudhary Village- Madudabad Ps- Mohiuddin Nagar,
Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur, Advocate

For the Opposite Party/s : Ms.Renu Kumari, APP

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

2 25-07-2023 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

Mohiuddin Nagar P.S. Case No. 117 of 2023 registered for the

offence under Section 30(a) of the Bihar Prohibition and Excise

Act, 2022 (amended).

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

in custody since 08.06.2023.

5. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor, where,

there is recovery of 51.750 litres of foreign liquor from the



Orchard.

6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the Orchard, behind the Central Bank, Madudabad. It is submitted that the name of petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Roshan Kumar, who has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 38814 of 2023 dated 05.07.2023, and in furtherance of said confessional statement, no incriminating material including illicit liquor appears to be recovered from the physical possession of this petitioner as to connect him *prima facie* with the present recovery of illicit liquor. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, while opposing the prayer of bail submitted that petitioner found involved in one more criminal case of similar nature.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as save and except



confessional statement, nothing incriminating appears during the course of investigation as to connect petitioner *prima facie* with the alleged recovery of illicit liquor, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Mohiuddin Nagar P.S. Case No. 117 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-02, Samastipur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

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

(ii) 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)

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