

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44946 of 2023

Arising Out of PS. Case No.-394 Year-2022 Thana- WAJIRGANJ District- Gaya

Damodar Chaudhary Son of Lalo Chaudhary Resident Of Village- Chakpar,
Ps- Hisua, Distt- Nawada.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate

For the Opposite Party/s : Ms.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 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
Wazirganj P.S. Case No. 394 of 2022 registered for the offence
under Section 414 of the Indian Penal Code and Section 30(a)
of the Bihar Prohibition and Excise Amendment Act, 2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 14.06.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 60 litres of IMFL/country made liquor from
the house of petitioner.

6. Learned counsel appearing on behalf of the



petitioner submitted that the recovery of alleged illicit liquor was made from jointly occupied house of this petitioner, and as such it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of this petitioner. It is further submitted that the compliance of Section 100(4) of Cr.P.C. was not appears to be followed in present case regarding search of premises. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail in one case, and moreover, 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, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor appears to be made from jointly occupied house, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Wazirganj P.S. Case No. 394 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Excise Court No. 1, Gaya/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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