

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49534 of 2023

Arising Out of PS. Case No.-384 Year-2021 Thana- NAWADA District- Nawada

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Suraj Kumar @ Suraj Chaudhary @ Karku Chaudhary Son Of Rajo
Chaudhary, Village- Kharidi Bigha, P.S.- Nawada Nagar, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 22-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nawada (Nagar) P.S. Case No. 384 of 2021 dated 03.04.2021
lodged under Sections 33, 34, 36 and 44 of the Bihar Prohibition
and Excise Act.

3. As per prosecution, the petitioner is not named in
the F.I.R. rather his name has come in this case by virtue of the
confessional statement of co-accused.

4. Learned counsel for the petitioner submits that as
per the F.I.R. one person died upon consumption of wine which
was being sold by accused Manti Devi w/o Late Bhonu
Choudhary. Counsel further submits that the said Manti Dvi and
other accused persons have been granted bail by the Co-ordinate

Bench of this Court. Those bail orders are annexed as Annexure-3 series of the petition. Counsel further submits that during pendency of the investigation, the petitioner's name were put in total 18 criminal cases on the confession of co-acused Arvind Yadav. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him and he is in custody since 05.04.2021.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-2nd-cum- Special Judge, Nawada, in connection with Nawada (Nagar) P.S. Case No. 384 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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 their bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

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

(Dr. Anshuman, J.)

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