

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52147 of 2023**

Arising Out of PS. Case No.-167 Year-2023 Thana- BARUN District- Aurangabad

Harinarayan Chaudhary S/O Late Akal Chaudhary Resident At Village-  
Nageshwarpur, Ps. Barun, Dist. Aurangabad (BIHAR), Pin- 824112

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramendra Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      18-08-2023

Heard the parties.

The petitioner is in judicial custody in connection with Barun P.S. Case No. 167 of 2023 for the offence punishable under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise (Amendment) Act lodged on 21.4.2023 by the informant, Jainendra Kumar Bharti.

As per the prosecution story, the police during patrolling reached near Sone river and recovered/seized 50 liters of Mahua and 12000 liters Mahua Jawa kept inside the sand beside cylinder and all other materials for manufacturing were recovered/seized. The mahua jawa was accordingly destroyed.

Learned counsel for the petitioner submits that they have been falsely implicated. It has been recovered from an open place and due to enmity, the petitioner has been named



though he do not have criminal antecedent.

Learned APP opposes the prayer.

Taking into account the aforesaid facts that the recovery/seizure is from an open place near the river, he is in custody since 18.5.2023 (para-10 of the petition) and do not have criminal antecedent, 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 learned Special Judge, Excise-1, Aurangabad, in connection with Barun P.S. Case No. 167 of 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 appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) 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;

(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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Ravi/-

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