

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48579 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- LAURIA District- West Champaran

AJAY CHAUDHARY Son of Birjhan Chaudhary Resident of village -
Deurawa, P.S.- Lauriya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zainul Abedin

For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Lauriya
P.S. Case No. 162 of 2021, registered for the offences
punishable under Sections 328, 302 and 34 of the Indian
Penal Code and Sections 30(a), 33 and 37(c) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case as emerges from the FIR is
that on 09.07.2021, the husband of the informant went to
the field for agricultural work and when he returned, he
started vomiting. It is further alleged that he, upon repeated
query, disclosed that he had consumed liquor. Thereafter, he



was taken to hospital, where he died.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that Section 302 of the Indian Penal Code has no applicability against this petitioner as he was not involved into this matter. He further submits that petitioner has never sold any illicit liquor to the victim of this case. He also submits that investigation in this case is complete and charge-sheet has already been submitted. He further submits that other co-accused persons has already been enlarged on bail by different Bench of this Court.

He further submits that the petitioner has been languishing in jail since 22.07.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in seven other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier



either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge Excise, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 162 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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