

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51900 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- RAJGIR District- Nalanda

1. Mohan Kumar Son Of Putul Chaudhary R/O-Bisthapit, P.S.-Rajgir, Distt.-Nalanda
2. Suraj Chaudhary @ Suraj Kumar Son Of Rewat Chaudhary R/O-Bisthapit, P.S.-RAJGIR, Distt.-Nalanda
3. Shanichar Chaudhary Son Of Dinesh Chaudhary R/O-Bisthapit, P.S.-Rajgir, Distt.-Nalanda
4. Dharmendra Chaudhary Son Of Umesh Chaudhary R/O-Bisthapit, P.S.-rajgir, Distt.-Nalanda

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-08-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a)(c) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner nos.2, 3 and 4 are persons with clean antecedent and the allegation is of recovery of 65 litres of liquor, which was found concealed under a pit near the house of Putul Chaudhary.



Further, 3000 litres of raw-material of mahua was destroyed at the spot.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and he came to be implicated at the instance of Chaukidar. It is further submitted that it appears that the Chaukidar in order to save the real culprit falsely implicated the petitioner, when admittedly, petitioner nos.2, 3 and 4 are persons with clean antecedent. It is further submitted that even alleged recovery is from a place, which is accessible to public at large and does not belong to the petitioners.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 4 Additional District & Sessions Judge-cum-Special Judge, Excise-II, Nalanda at Biharsharif in connection with Rajgir P. S. Case No.140 of



2023, subject to the conditions laid down under Section 438(2)
of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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