

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51741 of 2023

Arising Out of PS. Case No.-180 Year-2023 Thana- ROSHANGANJ District- Gaya

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BILAS CHAUDHARY @ RAM BILAS CHAUDHARY SON OF LATE
SUNDAR CHAUDHARY RESIDENT OF VILLAGE- BHOKTADIH, PS-
BANKE BAZAR, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioner is in custody in connection with Raushanganj (Banke Bazar) P.S. Case No. 180 of 2023 for the offence under sections 272, 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 13.06.2023 by the informant, Bhivnath Das.

As per the prosecution story, the Police raided the house of the petitioner and recovered 20 liters of Mahua liquor and near the house, 10 plastic boxes containing 10 liters each Java Mahua flower were recovered/destroyed. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that only to



implicate him, the allegation has been made and in case of any recovery, the Police case is that the same is destroyed, evidence not there, their statement cannot be accepted.

It is his further submission that the petitioner is in custody since 14.06.2023 (as stated in paragraph 13 of the petition).

Learned APP opposes the prayer for bail stating that he has criminal antecedent of the same nature.

Taking into account the submissions put forward by the learned counsel for the petitioner as also his period of custody i.e. 14.06.2023, 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No. 3, Gaya, in connection with Raushanganj (Banke Bazar) P.S. Case No. 180 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/her 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 month for one year 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)

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