

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57288 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- DEEPNAGAR District- Nalanda

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AJAY CHOUDHARY @ VIJAY SON OF KESHO CHOUDHARY
RESIDENT OF VILLAGE- GULNI, PS- DEEPNAGAR, DISTT-
NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023 Heard Mr. Onkar Nath, learned Counsel for the

petitioner and Mr. Ajay Kumar No. 2, learned APP for the State.

The petitioner is an accused in connection with
Deepnagar P.S. Case No. 223 of 2023 (Excise-1185/2023)
registered for the offences under section 30(a) of the Bihar
Prohibition and Excise Act lodged on 21.05.2023 by the
informant, Sanjeev Kumar Roy.

As per the prosecution story, the allegation is that the
police intercepted a motorcycle and recovered/seized 10 litres of
country made wine. Accordingly, the FIR.

Learned Counsel for the petitioner submits that no
such recovery was made, the police implicated him only
because he has criminal antecedent of same nature.



Learned APP for the State submits that before the Sub-ordinate Court, he did not brought on record the number of criminal cases against him and that was the reason for rejection of his bail application.

Considering the submissions put forward by the parties, recovery is of 10 litres of wine, he is in custody since 22.05.2023 (as stated in paragraph 10 of the bail application), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Additional Sessions Judge -II-Cum-Exclusive Special Excise Court, Biharsharif at Nalanda in connection with Deepnagar P.S. Case No. 223 of 2023 (Excise-1185/2023), 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 month for next 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 evidences, failing which the State shall be at liberty to take steps for cancellation of his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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