

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53125 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- HABIBPUR District- Bhagalpur

RAJESH CHOUDHARY S/o- LATE SHIV CHOUDHARY Village- Karori
Bazar Ps- Habibpur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf, Advocate
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Habibpur P.S. Case No.93 of 2023 instituted under Section 30(a), 30(d), 30(c) of the Bihar Prohibition & Excise Act, 2018 lodged on 08.07.2023 by the informant Shailesh Kumar.

As per the prosecution story, the police raided the house of the petitioner and recovered 40 liters of countrymade liquor, the gas cylinder and other materials. Accordingly, the FIR.

It is a case of the petitioner that the recovery is from a joint house, he has nothing to do with him, only because of criminal antecedent he has been implicated for which he has suffered by being in custody since 08.07.2023 (para-5 of the petition).



Learned APP opposes the prayer for bail stating that there is recovery from his house.

Considering the submissions put forward by the learned counsel for the petitioner, it is from a joint house, he is in custody since 08.07.2023, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Habibpur P.S. Case No.93 of 2023 to the satisfaction of learned Exclusive Special Excise Judge, Ist, Bhagalpur, subject to 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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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