

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52458 of 2023

Arising Out of PS. Case No.-487 Year-2022 Thana- NOKHA District- Rohtas

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BHIKHARI SINGH@BHIKHAR CHAUDHARY SON OF KANHAIYA
SINGH @ KANHAIYA CHAUDHARY RESIDENT OF VILLAGE-
PARSAN TOLA, PS- NOKHA, DISTT- ROHTAS AT SASARAM

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
Mr. Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Nokha P.S. Case No. 487 of 2022 for the offence punishable under Sections 30(a) (d) of the Bihar Prohibition and Excise Act lodged on 30.12.2022 by the informant, Guddu Kumar.

As per the prosecution story, the police on secret information that some persons were running 'Bhatti', the place was raided but the accused persons escaped. The 'Chowkidar' named them, the petitioner being one of them. Further, 100 liters of country made liquor, gas cylinder and some other materials was/were recovered/seized, followed by the FIR.

Learned counsel for the petitioner submits that due to



enmity, the 'Chowkidar' has named him, has remained in custody since 20.4.2023 (para-9 of the petition) only because of his criminal antecedent.

Learned APP opposes the prayer.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that the recovery/seizure is from the open place, is in custody since 20.4.2023, 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) with two sureties of like amount each to the satisfaction of learned Exclusive Excise Court No.2-cum-Additional District and Sessions Judge, Rohtas at Sasaram, in connection with Nokha P.S. Case No. 487 of 2022 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 fortnight for next six months 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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