

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53286 of 2023**

Arising Out of PS. Case No.-322 Year-2023 Thana- BARBIGHA District- Sheikhpura

Gadho Chaudhary @ Gharho Chaudhary, Son of Late Baudhu Chaudhary,  
Resident of Village- Narayanpur, P.S.- Barbigha, District- Sheikhpura And  
State Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      22-08-2023      Heard the parties.

The petitioner is in judicial custody in connection with Barbigha P.S. Case No. 322 of 2023 instituted under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 24.07.2023 by the informant Amir Hamja Khan.

As per the prosecution story, the police upon secret information raided the house of the petitioner and recovered/seized 45 litres country made liquor, two big cylinders and utensils. Accordingly, the FIR.

It is the case of the petitioner that it is a joint house only because he was near the house was picked up by the police and implicated in this case. He has suffered by being in custody



since 24.07.2023 (para 14 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the recovery is from the joint house and the petitioner being in custody since 24.07.2023, 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 Barbigha P.S. Case No. 322 of 2023 to the satisfaction of learned Exclusive Special Excise Judge, Sheikhpura, 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)**

Bhardwaj/-

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