

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53665 of 2023**

Arising Out of PS. Case No.-146 Year-2023 Thana- CHAKAND District- Gaya

RAJA KUMAR @ RAJA CHAUDHARY Son of Ramasharay Chaudhary
Resident of village - Kaldaspur, P.S. - Chandauti, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tabish Sharfuddin, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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

2 23-08-2023 Heard the parties.

The petitioner is in custody since 03.05.2023 in connection with Chakand P.S. Case No. 146 of 2023 for the offence punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act, lodged on 02.05.2023 by the informant, Md. Aurangzeb.

As per the prosecution story, from the scooty, the police recovered 40 liters 'mahua'. He being the owner of the said scooty, FIR lodged against him and he was arrested.

It is the case of the petitioned that he is a young boy of 22 years roaming around the place and has little knowledge as to who actually to implicate him, kept the said 'mahua' in his scooty. He has already suffered by being in custody since 03.05.2023 (as stated in paragraph-19 of the petition).



Learned APP opposes the prayer stating that stating that he has criminal antecedent.

Taking into account the submissions put forward by the learned counsel for the petitioner, he is a young boy of 22 years and he is in custody since 03.05.2023, 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 Court of Exclusive Excise Court No. 1, Gaya, in connection with Chakand P.S. Case No. 146 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 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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