

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58060 of 2023

Arising Out of PS. Case No.-437 Year-2023 Thana- GAYA MUFASIL District- Gaya

DHAKNI @ SANTOSH CHAUDHARY Son of Late Munshi Chaudhary
Resident of Village - Bhadeja, P.S.- Muffasil, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2023 The petitioner is in judicial custody in connection with Muffasil P.S. Case No. 437 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 16.4.2023 by the informant, Ram Pukar Choudhary.

As per the prosecution story, the police with his raiding team reached at Bhadeji Tand. The accused successfully escaped. The locals gave their name, the petitioner being one of of them. Search was made and 150 liters Mahua liquor was recovered/seized. Accordingly, the FIR.

The case of the petitioner is that nothing has been recovered from his conscious possession rather from an open field and only because the villagers named him, his implication for which he has already suffered by being in custody since



15.5.2023 (para-10 of the petition).

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

Though, the petitioner has criminal antecedent, so far as this case is concerned, the recovery is from an open field and not from his conscious possession, the villagers named him and he is in custody since 15.5.2023, 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 Additional Sessions Judge-cum-Excl. Spl. Excise Court No.01, Gaya, in connection with Muffasil P.S. Case No. 437 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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