

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59057 of 2022

Arising Out of PS. Case No.-393 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

DINESH CHAUDHARY S/o Late Jilebi Choudhary Resident of Village-
Taraiya, Ward No.02, Police Station- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-01-2023 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel for the
petitioner and Mr. Jagdhar Prasad, learned Additional Public
Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Muffasil P. S. Case No. 393 of 2022
registered for the offences punishable under Sections 272 and
273 of the Indian Penal Code and Section 30 (a)(d) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, it is alleged that the



police, on a secret information, raided the house of the petitioner and on search, altogether 95 litres of country-made liquor along with liquor making equipments were recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from a joint family house and as such, the petitioner cannot be held responsible for the same. The petitioner has never been indulged in such type of offence earlier. It is further submitted that the equipments were recovered from the motorcycle, which was standing at the door of the petitioner and the said motorcycle does not belong to the petitioner. It is next submitted that the petitioner is in custody since 29.07.2022 and moreover, the investigation of the crime is already complete and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the complicity of the petitioner cannot be denied as the entire recovery has been made from his house.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from a joint family house, apart from the fact that the petitioner having fair antecedent and



moreover, the investigation of the crime is already complete, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Begusarai in connection with Muffasil P. S. Case No. 393 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

