

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58427 of 2023

Arising Out of PS. Case No.-282 Year-2023 Thana- MESKAUR District- Nawada

1. DHARMENDRA CHAUDHARY @ ADITYA CHAUDHARY Son of Devnandan Chaudhary RESIDENTS OF VILLAGE PESH PO NARDIGANJ P S NARDIGANJ DISTRICT NAWADA
2. Rahul Chaudhary Son of Parmanand Chaudhary R/o vill - Khesadi, P.S. - Nimchak Bathani, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Prakash, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard Mr. Gaurav Prakash, learned Counsel for the petitioner and learned APP for the State.

2. The petitioners are accuseds in connection with Meskaur (Sirdalla) P.S. Case No. 282 of 2023 registered for the offences under sections 30(a) and 41 of the Bihar Prohibition and Excise Act lodged on 13.07.2023 by the informant, Dharmendra Kumar.

3. As per the prosecution story, the allegation is that the police intercepted a motorcycle and a Sumo Victa and from the motorcycle, the allegation is of recovery of 100 litres of country made liquor whereas from Sumo Victa 950 litres country made liquor. Both the petitioners were on motorcycles, arrested and the FIR.



4. It is the case of the petitioners that the recovery/seizure is from the motorcycle which belongs to the brother of the petitioner no. 2, for the said mis-adventure, they have already suffered by being in custody since 14.07.2023 (as stated in paragraph 5 of the bail application). Further, they have nothing to do with the recovery that has come from the Sumo Victa.

5. Learned APP for the State, on the other hand, opposes the prayer for bail stating that both of them have criminal antecedents of the same nature.

6. Taking into account the said submissions put forward by the parties as also that they are in custody since 14.07.2023, it would be appropriate that they are released on bail after framing of the charges since both of them have criminal antecedents.

7. Let the petitioners be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Exclusive Special Excise Judge-1st, Nawada in connection with Meskaur (Sirdalla) P.S. Case No. 282 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month till the conclusion of trial to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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