

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57056 of 2023

Arising Out of PS. Case No.-203 Year-2023 Thana- DARAUNDA District- Siwan

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BALI CHAUDHARY @ VALI PASI S/o LATE MAINA CHAUDHARY
Resident of village - Bagaura, P.S. - Daraunda, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard the parties.

The petitioner is an accused in connection with Daraunda P.S. Case No. 203 of 2023 registered for the offences under section 30(a) of the Bihar Prohibition and Excise Act lodged on 24.06.2023 by the informant, Krishnadeo Singh.

As per the prosecution story, upon information that the petitioner is indulged in selling of liquor alongwith other accused persons went to the place, conducted raid in a bamboo house and four polythenes of 20 litres totalling 80 litres of country made liquor was recovered/seized followed by the FIR.

It is the case of the petitioner that nothing has been recovered from his conscious possession rather from the bamboo house and he has no concerned with the said bamboo house. The last submission is that he is in custody since



09.07.2023 (as stated in paragraph 12 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent of same nature.

Considering the fact that nothing has been recovered from his conscious possession rather from a bamboo house which according to the petitioner, does not belong to him, he has remained in custody since 09.07.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise Court No. -1, Siwan in connection with Daraunda P.S. Case No. 203 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 month for next one year 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 his 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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