

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59148 of 2022

Arising Out of PS. Case No.-47 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

=====

Balindar Chaudhary S/o Rambaran Chaudhary R/o village- Bemta Nawadih,
P.S.- Magadh Medical, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate.
For the Opposite Party/s : Mr. Upendra Kumar, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Vinod Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Magadh Medical P.S. Case No. 47 of 2019, for
the offences punishable under Sections 30(a)(d) of the Bihar
Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the
police on a secret information raided the house of the petitioner
and other co-accused persons. On search total 20 kg Mahua
Flower has been recovered from the house of the petitioner. It



is further alleged that police also seized 200 liters Jawa Mahua which was destroyed on the spot.

Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from the joint family house of the petitioner, where several persons reside and as such the petitioner cannot be held responsible for the same. He further submits that so far the Mahua Flower is concerned the same is being used for feeding the cattle and the same was kept for the said purpose. He next submits that the petitioner having fair antecedent, is in custody since 26.07.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint family house where several persons reside and moreover the petitioner having fair antecedent, is in custody since 26.07.2022, though the investigation of the crime is already complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Excise Court No.-1, Gaya, in connection with Magadh Medical P.S. Case No. 47 of 2019, subject to the



condition that one of the bailors will be the close relatives 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)

manoj/-

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

