

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66452 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- RAJGIR District- Nalanda

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Mohan Kumar Son of Putul Chaudhary @ Pradeep Chaudhary Village-
Bisthapit, Ps- Rajgir, Dist- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 22-12-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Rajgir
P.S. Case No. 138/2023 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per prosecution case, there was alleged
recovery of total 15 liters country made liquor from the
possession of co-accused Rewat Chaudhary. Local people and
Chaukidar disclosed the name of petitioner and others who fled
away from the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to dirty village politics. The petitioner is not



apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 28.07.2023. Learned counsel for the petitioner further submits that through supplementary affidavit, the petitioner bears criminal antecedent of two cases. He further submits that the petitioner is not present at the place of occurrence and he has no concern with the seized liquor. Rather, the said liquor has been recovered from the possession of co-accused Rewat Chaudhary. He further submits that the seizure list has not been prepared as per the law. Learned counsel for the petitioner orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 the learned 4th



Additional District and Sessions Judge cum Special Judge,
Excise-II, Nalanda at Bihar Sharif in connection with Rajgir P.S.
Case No. 138/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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