

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66913 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- KARAHGAR District- Rohtas

OSIYAR CHAUDHARY, S/o Tapeswar Chaudhary, R/o Village- Rampur
Bagicha Total, P.S.- Karagahar, Distt- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Adv

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Karagahar P.S. Case No. 330 of 2021 registered under Section 30(a) of Bihar Prohibition and Excise Act.

There is alleged recovery of 55 litres illicit liquor from the field of co-accused Rajaram Chaudhary.

Learned counsel for the petitioner submits that in furtherance of earlier false implication under Excise Act, the petitioner has been implicated in this case also by alleging that he was fleeing away from the place from where recovery has been made. The submission is that even as per seizure memo, recovery is not from his possession. The



petitioner is on bail in two out of three earlier cases pending against him for the offences under the Excise Act. In the instant case, he is in custody since 24.06.2022. Recovery is denied and disputed by learned counsel for the petitioner. It is submitted that recovery is not in accordance with law and investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submission, manner of recovery, period of custody, and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I Rohtas at Sasaram in Karagahar P.S. Case No. 330 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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