

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67221 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- FATUA District- Patna

Chhotelal Bhagat @ Chhote Chaurasiya @ Chhotu Chaurasiya, S/O- Ganesh Bhagat, R/O- Village- Suhari Thali (SUHADI), P.S.- Govindpur, Dist.- Nawada, Present Add.- Renter In The Building Of Upendra Chaurasiya, Sakin- Naya Tola, P.S.- Fatuha, Dist.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Sinha, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Fatuha P.S. Case No. 19/2023 (Special Case No. 650/2023)
lodged on 07.09.2023 under Sections 30(a) and 37(2) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total recovery of 200
litres of country made liquor and 90 litres spirit is the subject
matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. As per the
FIR itself, the alleged recovery has been made from an orchard
which is an open place which does not belong to the petitioner.



The petitioner is in custody since 8.1.2023 having no criminal antecedent.

4. Learned counsel for the State opposes the prayer for bail.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City, in connection with Fatuha P.S. Case No. 19/2023 (Special Case No. 650/2023), subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J)

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