

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70679 of 2023

Arising Out of PS. Case No.-544 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Shambhu Choudhary, Son of Late Ayodhya Choudhary @ Ayodhi Choudhary,
Resident of Village - Shahjadpur, P.S. - Madhusudanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nathnagar (Madhusudanpur) P.S. Case No. 544 of 2023, lodged
on 30.06.2023 under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. As per the prosecution case, the FIR has been
lodged against the sole petitioner and total 5 litres of country
made liquor has been recovered which 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. He also
submits that the house in which the petitioner is residing is
basically the common house in which there are series of persons



who are also residing. Counsel further submits that the petitioner was not arrested by the police on the place of occurrence.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 21.07.2023 and there are two criminal antecedents of the petitioner in which he is on bail.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and this aspect may be taken into consideration while granting bail to the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-2nd, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 544 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 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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