

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72869 of 2023

Arising Out of PS. Case No.-1378 Year-2023 Thana- Excise P.S. District- Patna

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ARUN CHOUDHARY SON OF NAND LAL CHOUDHARY @ NANDA
CHOUDHARY R/O MOHALLA- SADIQUEPUR, SINDHUA TOLI, P.S.-
ALAMGANJ, DIST.- PATNA (BIHAR) PIN-800007

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shakib Ayaz, Advocate
Mr. Uma Kant Mishra, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection
with Excise Patna P.S. Case No. 1378 of 2023 registered under
Sections 30(a) & 56 (b) of the Bihar Prohibition and Excise Act,
2016 lodged on 01.09.2023 by the informant, Arun Choudhary.

3. As per the prosecution story, the house of the
petitioner was raided and allegation is that from the room 100
liters ‘Chulahi’ liquor recovered/seized and further from a
scooty parked therein, 3.06 liters of foreign liquors
recovered/seized.

4. It is the case of the petitioner that only because he
has criminal antecedent, the police has made it a case to arrest



him after implicating him one or the other cases and in continuation of the present case, he has suffered by being in custody since 01.09.2023 (as stated in paragraph-14 of the petition).

5. Learned APP opposes the prayer for bail stating that he has criminal antecedent.

6. Considering the aforesaid submissions put forward by the parties as also the fact that he has remained in custody since 01.09.2023 and ultimately he is facing the trial, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise -III, Patna in connection with Patna Excise P.S. Case No. 1378 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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.

(Rajiv Roy, J)

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