

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.919 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- HALSI District- Lakhisarai

Karu Chaudhari, Son Of Late Ramdhani Chaudhari R/O Vill.- Karunmachak,
P.O.- Pratappur, P.S.- Halsi, Distt.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1769 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- HALSI District- Lakhisarai

Vikash Mandal, Son Of Nuneshwar Mandal R/O Village- Mohaddinagar, P.S.-
Halsi, District- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 919 of 2023)

For the Petitioner/s : Mr. Ravi Bhardwaj, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 1769 of 2023)

For the Petitioner/s : Mr. Mayank Bilochan, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2023 Learned counsel for the petitioners are permitted to
remove the defect(s), if any, as pointed out by the office, within
a period of four weeks from today.

Heard Mr. Ravi Bhardwaj, learned counsel for the
petitioner and Mr. Ramesh Chandra, learned Additional Public
Prosecutor for the State in Cr. Misc. No. 919 of 2023 and Mr.



Mayank Bilochan, learned counsel for the petitioner and learned Additional Public Prosecutor for the State in Cr. Misc. No. 1769 of 2023.

With consent of the parties, both the applications are being heard together and disposed off by this common order.

Both the petitioners are seeking prayer for bail, who are in custody, in connection with Halsi P.S. Case No. 219 of 2022, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that in course of patrolling, on secret information with regard to the involvement of the petitioners in preparing and sale of illicit liquor, conducted raid and in course of search, 20 litres *mahua* liquor was recovered from the house of the petitioner (Karu Chaudhari) and similarly, 5 litres *mahua* liquor was recovered from the house of the petitioner (Vikash Mandal).

Learned counsel appearing on behalf of the petitioners submit that the alleged recovery has been made from the joint family house where several persons reside and the petitioners cannot be held responsible for the same. They further submit that in fact on account of previous criminal antecedent, the petitioners have been named in this case and apprehended by the



police. They next submit that there is defiance of Section 100 of the Cr.P.C., apart from no compliance of Sections 86 and 87 of the Bihar Prohibition and Excise (Amendment) Act. They also submit that now the investigation is complete and the charge-sheet has been submitted and keeping the petitioners behind bar would serve no further purpose.

On the other hand, learned counsel for the State vehemently opposed the bail applications and submit that the petitioner in Cr. Misc. No. 919 of 2023 is carrying three criminal antecedent whereas petitioner in Cr. Misc. No. 1769 of 2023 is carrying four criminal antecedent and they are habitual offenders indulged in trade of illicit liquor.

Regard being had to the submissions made on behalf of the parties and considering the period of custody as well as the fact that the alleged recovery has been made from the joint family house and the investigation is complete, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court No. 1/ learned Additional District and Sessions Judge-IV-cum-Special Excise Court No. 1, Lakhisarai



in connection with Halsi P.S. Case No. 219 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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