

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75186 of 2023

Arising Out of PS. Case No.-330 Year-2022 Thana- NOKHA District- Rohtas

=====

HRIDAYA CHAUDHARY @ DHIRAJ CHAUDHARY @ DHIRAJ KUMAR
S/O KAMESHWAR CHAUDHARY @ KAMESHWAR CHOUDHARI R/O
VILL - SHIVPUR, P.S. - NOKHA, DIST - ROHTAS AT SASARAM

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh
For the Opposite Party/s : Mr.Syed Ehteshamuddin

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Nokha
P.S. Case No. 330 of 2022 registered for the offence punishable
under Sections 30(a) (c) (d) of the Bihar Prohibition and Excise
Act, 2018.

3. As per prosecution case, 300 litre country made
liquor was recovered from the government land in south Bhadar
situated in the village Shivpur and on the basis of secret
information, the name of petitioner came to fore.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 25.09.2023. Petitioner bears
criminal antecedent of one case in which he is on bail. Learned



counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no knowledge regarding alleged recovered liquor. He further submits that petitioner is not apprehended on spot. The place of recovery is an open place, which is accessible to all. He further submits that co-accused have already been granted bail vide annexure-2 and annexure-3 of the bail petition and the case of present petitioner stands on similar footing. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as period of custody, petitioner not apprehended on spot, argument advanced on behalf of the parties and also taking into consideration the material available on record, co-accused have already been granted bail by co-ordinate Bench of this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No-2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection



with Nokha P.S. Case No. 330 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

