

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73741 of 2022

Arising Out of PS. Case No.-393 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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DHARMENDRA CHOUDHARY S/O Kamaldeo Choudhary @ Kamaldev
Choudhary R/O Village- Taraiya, Ward No- 02, P.S- Muffasil, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75175 of 2022

Arising Out of PS. Case No.-393 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SURAJ KUMAR @ SURAJ CHOUDHARY S/o Dinesh Choudhary R/o
Village- Tarira, P.S.- Mufassil, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 73741 of 2022)

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sucheta Yadav

(In CRIMINAL MISCELLANEOUS No. 75175 of 2022)



For the Petitioner/s : Mr. Vikram Anurag
For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Muffasil
P.S. Case No. 393 of 2022, registered for the offences
punishable under Sections 272, 273 of the I.P.C and 30(a),
(d) of the Bihar Prohibition and Excise Act, 2016.

As per allegation about 95 liters of country-made
liquor has been recovered from different places.

Ld. counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in
this case. He further submits that nothing has been
recovered from the conscious possession of the possession.

He further submits that the petitioners have been
languishing in jail since 13.11.2022 and 01.09.2022,
respectively.

It has also been stated in paragraph no. 3 of the
bail petition that the petitioner, namely, Dharmendra



Chaudhary has earlier been made accused in three other cases and petitioner, namely, Suarj Kumar alias Suraj Chaudhary has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Judge-I, Begusarai in connection with Muffasil P.S. Case No. 393 of 2022, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeat offence of



similar nature after enlargement on bail, their bail-bond will be cancelled by the court below.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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