

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80754 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Rajendra Chaudhari, Son of Chandrika Prasad Choudhary, Resident of
Bypass Pachna Road, Ward No.-17, P.S.+ Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Excise P.S. Case No. 159C2 of 2023, registered for the offences
punishable under Section 37 of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. It transpires that the petitioner had got bail in the
aforesaid matter vide order dated 10.05.2023 passed in Cr. Misc.
No. 20824 of 2023. In pursuance of the aforesaid order, the
petitioner had executed bail bond before the trial court and he
was enlarged on bail. However, subsequently on account of
illness, petitioner could not attend the court on two consecutive
dates and his bail bond was cancelled. Subsequently petitioner
surrendered before the trial court and moved application for
regular bail. However, his bail petition has been rejected by the



trial court. Hence, he has moved this Court.

4. However, learned APP for the State opposes the prayer of the petitioner for bail.

5. In view of the fact that petitioner was already enlarged on bail vide order dated 10.05.2023 passed in Cr. Misc. No. 20824 of 2023 and on account of illness, he could not attend the court on two consecutive dates and in view of the minor offence allegedly committed by the petitioner, the petitioner is directed to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge, Vth -cum-Exclusive Special Court II, Excise Act, Lakhisarai, in connection with Excise P.S. Case No. 159C2 of 2023, on the following conditions:

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

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

(iii) The petitioner 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 petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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, learned court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

6. Ld. counsel for the petitioner 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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