

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2261 of 2023

Arising Out of PS. Case No.-81 Year-2021 Thana- BADHAILA District- Rohtas

Manoj Choudhary @ Manoj Kumar Singh S/O Late Ramkeshwar Choudhary
@ Keshwar Choudhary R/O Village- Karan, P.S- Baghaila, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. D. K. Sinha, Sr. Advocate with
Mr. Pramod Kumar Sinha and
Mr. Alexander Ashok, Advocates
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. D. K. Sinha, learned senior counsel, duly
assisted by Mr. Pramod Kumar Sinha and Mr. Alexander Ashok,
learned counsel for the petitioner and learned Additional Public
Prosecutor for the State.

The petitioner seeks bail, who is in custody, in
connection with Baghaila P.S. Case No. 81 of 2021, registered
for the offences punishable under Sections 30(a)(c)(d) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

The police, on a confidential information with regard
to trade of illicit wine, conducted raid near the house of the
petitioner, however, noticing the police party, all the persons
started fleeing away, out of which four persons were
apprehended, who disclosed the name of the petitioner. During



search, total 30 litres *mahua* wine and other apparatus used for manufacturing of wine has been recovered.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and moreover from the FIR it is evident that the recovery has been made from the bamboo grove, which is an open place accessible to all and the petitioner cannot be held responsible for the same. He further submits that the implication of the petitioner in the present crime is on account of his past criminal antecedent as the petitioner is named in five other criminal cases, as has been mentioned in paragraph no. 3 of the application. He next submits that now the petitioner is in custody for over a period of one year and there are various discrepancies in the investigation, apart from non-compliance of Sections 81 and 82 of the Bihar Prohibition and Excise (Amendment) Act.

On the other hand, learned APP for the State opposed the bail application and submits that the petitioner is a habitual offender indulged in trade of illicit wine as is evident from his criminal antecedent.

Regard being had to the submissions made on behalf



of the parties and considering the period of custody and the fact that the investigation is complete and the charge-sheet has been submitted, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise 1st, Rohtas, Sasaram in connection with Baghaila P.S. Case No. 81 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. 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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