

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4495 of 2024

Arising Out of PS. Case No.-1158 Year-2023 Thana- TURKAULIYA District- East
Champaran

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SANTOSH CHAUDHARY S/O NARESH CHAUDHARY @ NARESH
MAHTO R/O VILLAGE- JHAKHIYA, P.S- BANJARIYA, DISTT.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Turkauliya (Banjariya) P.S. Case No. 1158 of 2023 for the offence punishable under Sections 272, 273, 414/34 of the Indian Penal Code read with section 30(a). 32, 34, 41 (I) and 45 of the Bihar Prohibition and Excise (Amendment) Act lodged on 11.11.2023 by the informant, Prithvi Tiwary.

3. As per the prosecution story, the police upon information tried to intercept a motorcycle and an auto, though they tried to escape but motorcycle's driver was arrested. He gave his name as Santosh Choudhary, the petitioner herein. There was recovery of 40 liters of country made liquor from the motorcycle while from the auto 200 liters of country made



liquor recovered. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that neither the motorcycle nor the auto belongs to him. He was a passer-by, the accused escaped, he was apprehended and has remained in custody since then. Last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid submission put forward by the parties as also that the motorcycle from where 40 liters of country made liquor recovered does not belong to him nor the auto from where 200 country made liquor was recovered, he is in custody since 11.11.2023 (para-14 of the petition), do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No.1, East Champaran (Motihari) or its available successor court, in connection with Turkauliya (Banjariya) P.S. Case No. 1158 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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