

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26280 of 2024

Arising Out of PS. Case No.-194 Year-2022 Thana- DHANAHAN District- West Champaran

BIRENDRA CHAUDHARY @ BIRENNDRA SAHANI S/O RAGHUNATH
CHAUDHARY R/O Village- Rupahi Tar, Police Station -Bhitaha, District-
West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1
For the Opposite Party/s : Mr.Sanjay Kumar

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dhanaha P.S. Case No. 194 of 2022 instituted for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 8.6 litres
country made liquor was recovered from co-accused persons
and they confessed that they used to sell liquor to the petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. The
name of the petitioner is transpired in this case merely on the
basis of confessional statement of co-accused, namely, Om



Prakash Chaudhary and Rakesh Kumar which is not admissible in the eye of law. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the co-accused persons or with recovered liquor. Charge-sheet has been submitted in this case. The petitioner is in custody since 23.11.2023, and has three criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhanaha P.S. Case No. 194 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance



on two consecutive dates, the Trial Court will have liberty
to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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