

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40217 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- Madhusudanpur District- Bhagalpur

Pappu Choudhary Son of Late Mittan Choudhary R/O Vill.- Mahmadpur, P.S.-
Madhusudanpur, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 26-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Madhusudanpur P.S. Case No. 12 of 2024 dated 22.03.2024,
instituted for the offence punishable under Sections 30(a) of the
Bihar Prohibition and Excise Amendment Act, 2022.

3. The allegation is of recovery of total 50 litres
country made illicit liquor from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that from bare perusal of the F.I.R.
itself, it is evident that the seizure was made from the house of
the petitioner but no family members of the petitioner has
signed on the seizure list which creates doubt about genuineness



of this case. From bare perusal of the impugned order, it is evident that no discussion was made regarding the sampling of the alleged recovered articles from the place of occurrence as well as no independent witness has signed on the sampling, which shows that the entire case is based on the false story. Learned counsel for the petitioner further submits that there is no compliance of Section 82 of the Bihar Prohibition and Excise Act and no copy of F.I.R. has been sent to the Excise Department, as such, no case under Excise Act has been made out against the petitioner. Lastly, it has been submitted that the petitioner is in custody since 22.03.2024 having four criminal cases against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge- 2nd cum ADJ 12th , Bhagalpur in Madhusudanpur P.S. Case No. 12 of 2024, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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