

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39229 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- RAGHOPUR District- Supaul

Rajiv Kumar Chaudhary @ Tudu Chaudhary Son of Baidynath Chaudhary @
Baidhnath Chaudhari R/O Vill.- Daulatpur, P.S.- Raghobpur, Dist.- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Raghobpur P.S. Case No. 25 of 2024, lodged on 27.01.2024
under Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per the prosecution case, FIR has been lodged
against the present petitioner. Total 81 *litres* of Nepali Liquor
has been recovered from the petitioner's house which is the
subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that police has lodged this case against the
petitioner due to the reason that his criminal antecedent is not



clean. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are six criminal cases pending against him in which he is on bail in all the cases. The petitioner is in custody since 28.01.2024 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that recovery of Nepali Liquor has been made from the petitioner's house in addition to that the criminal antecedent of the petitioner is not clean and this aspect must be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court no. 2, Supaul in connection with Raghapur P.S. Case No. 25 of 2024, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

7. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Karjain P.S. Case No. 2 of 2022.

(II)- Raghopur P.S. Case No. 117 of 2002.

(III)- Raghopur P.S. Case No. 25 of 2005.

(IV)- Raghopur P.S. Case No. 11 of 2009.

(V)- Raghopur P.S. Case No. 92 of 2019.



(VI)- Raghopur P.S. Case No. 278 of 2021.

(Dr. Anshuman, J.)

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