

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41540 of 2024

Arising Out of PS. Case No.-382 Year-2021 Thana- NAWADA District- Nawada

Suraj Choudhary @ Karku Choudhary Son of Raju Chaudhary @ Rajo Chaudhary Resident of Village- Kharidi Bigha, P.S.- Nawada (Nagar), District- Nawada Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Nawada (Town) P.S. Case No. 382 of 2021 instituted for the offences under Section 33, 34, 36 of the Excise Act.

3. As per prosecution case, the husband of the Informant has died due to consumption of spurious liquor which was purchased from the co-accused.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Petitioner is not named in the F.I.R. rather his name has sprung in this case on the basis of confessional statement of co-accused



Arvind Yadav. The petitioner has no concern with the alleged occurrence. The petitioner has altogether nineteen criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner has remanded in the present case on 28.03.2022 and Charge-sheet has been submitted in this case. Co-accused has been granted bail by this Court vide order dated 05.03.2024 passed in Cr. Misc No. 6886 of 2024. Co-accused has been granted bail by this Court vide order dated 05.03.2024 passed in Cr. Misc. No. 6886 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer yer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the prayer for bail based on parity, let the petitioner, abovenamed, 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 Nawada (Town) P.S. Case No. 382 of 2021 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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