

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49436 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- PANDARAK District- Patna

PRAHLAD CHOUDHARY @ PAL CHOUDHARY SON OF LATE SITA
RAM CHOUDHARY @ SITA CHOUDHARY RESIDENT OF VILALGE-
LEMUABAD, P.S.- PANDARAK, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Manglam
For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-08-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Pandarak P.S. Case No. 108 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act 2016 lodged on 09.05.2024 by the informant, Pawan Kumar.

3. As per the prosecution story, the informant alleged that upon information that this petitioner is selling liquor from his house, the place was raided and near his house, 12 litres of country made liquor has been recovered/seized. The locals gave the names of escaped persons which involved this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the



FIR itself shows that the recovery/seizure has been made from outside the house which in no case can be attributed to the petitioner and there is no recovery/seizure from his conscious possession. The police has implicated him on the basis of the information of locals which has no value in the eye of law. The last submission is that the petitioner do not have criminal antecedent.

5. Learned APP opposes the prayer stating that the locals named him.

6. Considering the aforesaid submission put forward by the learned counsel for the petitioner as also the fact that the petitioner do not have criminal antecedent and recovery/seizure is outside of his house, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner, named above, 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 Exclusive Special Judge, Excise, Barh in connection with Pandarak P.S. Case No. 108 of 2024, subject to the following conditions:

(i) one of the bailors 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.

(Rajiv Roy, J)

perwez

U		T	
---	--	---	--

