

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77665 of 2024

Arising Out of PS. Case No.-140 Year-2021 Thana- BATHNAHA District- Sitamarhi

Rudal Choudhary @ Rudal @ Santosh Choudhary S/o Late Shivji Chaudhary
Resident of Village- Baswariya, PS- Mehsaul OP, Sitamarhi District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.

Smt.Divya Bharti, Adv.

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bathnaha P.S. Case No. 140 of 2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, there is alleged recovery
of 3598.350 litre illicit foreign liquor from the truck in question.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and during course of
investigation his name surfaced in this case upon the



confessional statement of co-accused Sujit Kumar, as mentioned in the impugned order. Except confessional statement of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that petitioner is neither owner nor driver nor cleaner of the truck in question from which recovery of alleged liquor was made. Petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner is in custody since 20.09.2024 and bears criminal antecedent of 13 cases in which he is on bail. He further submits that the petitioner has been roped in a case one after another in a routine manner without any basis. He further submits that because of having criminal antecedent, the petitioner has been falsely implicated in this case. Co-accused Brajesh Mahto @ Brajesh Kumar has already been granted bail by this Court vide Cr. Misc. No. 33074 of 2022 and case of present petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court-1, Sitamarhi in connection with Bathnaha P.S. Case No. 140 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) if petitioner violates any of the conditions enumerated above, the learned trial court shall be at liberty to



cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

shahzad/-

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

