

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4303 of 2024

Arising Out of PS. Case No.-73 Year-2023 Thana- DARIYAPUR District- Saran

Bablu Chaudhary Son of Late Suresh Chaudhary R/o vill - Dariyapur Bazar,
P.s. - Dariyapur, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioner is an accused in connection with Dariyapur P.S. Case No. 73 of 2023 registered for the offences under section 30(a) of the Bihar Prohibition and Excise Act lodged on 21.02.2023 by the informant, Amrendra Kumar.

3. As per the prosecution story, upon secret information raided the place, the accused escaped and 200 litres of mixture of liquor as also 70 litres of country made liquor recovered/seized. Further, 200 litres of mixture was recovered which was kept underground and was destroyed. The locals gave the name of the accused persons who escaped, the petitioner is one of them. Subsequently, second raid took place in the house of Vijay Singh and 13.02 litres country made liquor recovered/seized. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that



nothing has been recovered from his conscious possession, the alleged recovery is from the common courtyard of the petitioner's place for which he cannot be held guilty.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner (s) on its own would like to contribute Rs. 15,000/- to the Patna High Court Legal Services Committee.

6. Learned APP for the State, on the other hand, opposes the prayer for bail.

7. Taking into account the fact that the recovery is from a common courtyard, he is in custody since 30.09.2023 (as stated in paragraph 14 of the bail application), this Court is inclined to extend him privilege of bail subject to payment of Rs. 15,000/- to the Patna High Court Legal Services Committee.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge, 2nd cum 1st Exclusive Special Judge Excise, Saran at Chapra in connection with Dariyapur P.S. Case No. 73 of 2023, subject to 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 his 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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