

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28767 of 2025

Arising Out of PS. Case No.-264 Year-2024 Thana- JANTA BAZAR District- Saran

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Krishna Chaudhary @ Krishna Kumar S/o Tarkeshwar Chaudhary R/o
Village- Shobhipur, P.S.- Janta Bazar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shrinath Manjhi, Aadv..

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Janta
Bazar P.S. Case No. 264 of 2024 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. As per prosecution case, the police has recovered
total 40 liters of illicit country-made liquor from the Scooty and
plastic bags.

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.
The petitioner is not named in the F.I.R. and his name has



transpired in this case in course of investigation due to his being the owner of the alleged scooty bearing Regd. No. BR04AT-7247. The petitioner was not aware of the fact that illicit liquor was being transported upon his Scooty. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has six criminal antecedents of similar nature of offences and is languishing in judicial custody since 08.04.2025 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Pankaj Chaudhary has been granted bail by this Court vide order dated 06.02.2025 passed in Cr. Misc. No. 5698 of 2025.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, 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 Janta Bazar P.S. Case No. 264 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

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