

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34449 of 2025

Arising Out of PS. Case No.-98 Year-2024 Thana- Excise P.S. District- Bhagalpur

Radhe Shyam Choudhary Son of Ram Sundar Choudhary R/o village - 18/21,
R.N. R.C. Ghat Road Howrah Shibpur, P.S.- Shibpur, Dist.- Howrah (W.B.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
(Kahalgaon) P.S Case No. 98 of 2024 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Amendment Act 2018.

3. As per prosecution case, total 450 litre illicit liquor
was recovered from the Pick up van.

4. Learned counsel for the petitioner submits that
petitioner is the owner of the said Pick-up Van and he has
falsely been implicated in this case. It is further submitted that
no incriminating article has been recovered from the conscious
possession of the petitioner. On perusal of the seizure list there
is no independent witness. It is next submitted that the Driver
and the Khalasi have been enlarged on bail vide order dated



28.03.2024 passed in Cr. Misc. No. 24814 of 2024 by a coordinate Bench of this Court. It is lastly submitted that the petitioner has got no criminal antecedent and he is in judicial custody since 29.04.2025.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as also the fact that the Driver and the Khalasi of the said Pick-up Van have been enlarged on bail, let the above named petitioner be released on bail on deposition of a sum of Rs. 5,000/- to the Patna High Court Legal Services Committee, Patna and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing of bail bond **after framing of the charge**, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Bhagalpur in connection with Excise (Kahalgaon) P.S Case No. 98 of 2024.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of this order and that



a. One of the bailors of the petitioner shall be his close relative.

b. The petitioner shall remain physically present in Court on each date of the trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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