

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34251 of 2025

Arising Out of PS. Case No.-208 Year-2022 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Raju Chaudhary S/o Lakho Chaudhary @ Lakhan Chaudhary Resident of
village -Hariyo, PS- Magadh Medical, district- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar
For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-06-2025 Heard Mr. Yogesh Kumar, learned counsel for the

petitioner and Mr. Sanjay Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
17.04.2025 in connection with Magadh Medical P.S. Case No.
208 of 2022, F.I.R. dated 28.06.2022 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. Recovery is of 12 litres of illicit country made
liquor from the cow shed of the petitioner.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. The allegation as alleged in the F.I.R. is false and
fabricated and the petitioner has not committed any offence as



alleged in the F.I.R. The recovery is made from the outside of the house of the petitioner. There is non compliance of section 100 of the Cr.P.C. Petitioner has been made accused in the present case merely on the basis of suspicion. No article has been recovered from the conscious possession of the petitioner. Petitioner has no concern at all with the alleged recovery of illicit liquor. Similarly situated co-accused person, namely, Dilip Chaudhary has already been granted regular bail by this Court vide order dated 25.09.2023 passed in Cr. Miscellaneous No. 61899 of 2023.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that petitioner has three criminal antecedents and in all the cases he is on bail.

6. Considering the aforesaid fact and similarly situated co-accused person has already been granted regular bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 4, Gaya, in connection with Magadh Medical P.S. Case No. 208 of 2022, with the following conditions:-



(i) Petitioner shall co-operate 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) 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.

(iii) 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.

(Rajesh Kumar Verma, J)

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