

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35744 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- DHANSOI District- Buxar

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Fulan Chaudhary @ Phulan Chaudhari S/O Yamuna Chaudhary R/O Village
Gosaisi Dihara Ps Dhansoi District Buxar

... .. Petitioner/s

Versus

The State of bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Pathak, Advocate
		Ms. Dimpal Kumari, Advocate
For the Opposite Party/s :		Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-06-2025 Heard Mr. Ravi Shankar Pathak, learned counsel for

the petitioner and Mr. Anil Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
26.04.2025 in connection with Dhansoi P.S. Case No. 30 of
2025, F.I.R. dated 08.03.2025 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case in short is that total 9 litres of
country made liquor was recovered from behind the house of the
petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He submits that the allegation as alleged in the FIR
is false and fabricated and the petitioner has not committed any

offence as alleged in the FIR. From perusal of the FIR, it transpires that altogether 9 litres of country made liquor was recovered from behind the house of the petitioner and the petitioner has made accused on the basis of suspicion. Thereafter the father of the petitioner has disclosed that the petitioner has also involved in the crime in question. He is in custody since 26.04.2025.

5. The learned Additional Public Prosecutor on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents of similar nature other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from behind the house of the petitioner and the petitioner is in custody since 26.04.2025, 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 the learned Special Judge Excise Court No. 1st at Buxar in connection with Dhansoi P.S. Case No. 30 2025, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

Raj Ranjan/-

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