

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81538 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- Nawalpur District- West Champaran

Lalbachchan Chaudhary @ Lal Bachchan Chaudhary Son of Late Rajbali Chaudhary Resident of Village - Semari Bhawanipur, P.S. - Nawalpur, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-02-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioner is in judicial custody in connection with Nawalpur P.S. Case No. 68 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 23.08.2024 by the informant, Shambhu Ojha.

3. As per the prosecution story, the informant alleged that on the basis of confidential information, the motorcycle as well as car were intercepted and there is/are recovery of 34.920 liters of liquor from the motorcycle and 184.635 liters of liquor from the car. From the petitioner, the recovery is 26.280 liters of



foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he does not own either the motorcycle or the car, though he stands implicated and recovery from him has been shown to be 34.920 liters of foreign liquor, has remained in custody since 24.08.2024 (paragraph no. 12 of the petition), he do not have criminal antecedent. Further, submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to pay Rs.20,000/- for the installation of water freezer of a reputed company in the Civil Court, West Champaran through Demand Draft issued by the local State Bank of India. The last submission is that similar situate Niranjana Sah has been granted bail in Cr. Misc. No. 81206 of 2024.

5. Let the same be kept on record.

6. Learned APP Mr. Jitendra Kumar Singh, for the State opposes the prayer submitting that he has criminal antecedent.

7. Considering the facts as also that though the motorcycle belongs to him, he has no criminal antecedent, is in custody since 24.08.2024 (para 12 of the petition), similar situate Niranjana Sah has been granted bail, as stated above, in



that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 20,000/- as undertaken by the learned counsel for the petitioner to be paid for the installation of water freezer of a reputed company in the Civil Court, West Champaran through Demand Draft issued by the local State Bank of India and the receipt has to be submitted before the Trial Court.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Bettiah, West Champaran in connection with Nawalpur P.S. Case No. 68 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 six months to mark his



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 the 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.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

