

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84255 of 2024

Arising Out of PS. Case No.-271 Year-2024 Thana- MANJHAGARH District- Gopalganj

Nandlal Pasi @ Nand Lal Chaudhari, Son of Late Ritwaran Pasi @ Rivaran
Chaudhari, Resident of Village- Babuhata, P.S- Barharia, District- Siwan
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Kumar Pandey, Adv.
For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Manjhagarh P.S. Case No. 271 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of engaged in selling of illicit wine. The police conducted raid, however, on noticing the police party, some of the persons, who were present there, succeeded in fleeing away and this petitioner was apprehended by the police. On search total 110 liters of country made liquor was recovered.

4. Learned counsel for the petitioner contended that the alleged recovery has been made from an open place, which is easily accessible to all. In fact, on account of the past criminal



antecedent of identical nature, as has been disclosed in para-3 of the bail application, the petitioner was apprehended by the police only on suspicion. The petitioner has no concern with the recovered illicit wine. Moreover, there are various other infirmities in the search and seizure. The petitioner has been incarcerated since 16.09.2024 and now the investigation of the crime is complete.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the petitioner bears four criminal antecedent of identical nature.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the fact that the recovery has been made from an open place, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII-cum-Special Judge, Excise-I, Gopalganj in connection with Manjhagarh P.S. Case No. 271 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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