

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87408 of 2024

Arising Out of PS. Case No.-337 Year-2024 Thana- BRAHMPUR District- Buxar

Chotu Chaudhary @ Chhatu Chaudhary @ Chhotu Chaudhary S/O Sudama
Chaudhary R/o Vill.- Arak, P.S.- Krishnabrahma, Distt -Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-02-2025 Heard Mr. Sanjay Kumar, learned counsel for the
petitioner and Mr. Md. Fahimuddin, learned APP for the State

2. The petitioner is in judicial custody in connection
with Brahmpur P.S. Case No. 337 of 2024 for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, lodged on 13.07.2024 by the informant, Rajendra
Kumar Chakravarty.

3. As per the prosecution story, the informant alleged
that upon secret information, the people with bags on their head
were intercepted and there is recovery/seizure of 117 litres
country made liquor which led to the FIR/arrest.

4. Learned counsel for the petitioner submits that
nothing has been recovered from his conscious possession rather
from a bag present in the field but only because of criminal



antecedent, implicated. Further, co-accused Govind Choudhary has been granted bail in Cr. Misc. No. 80076 of 2024.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Though the petitioner has criminal antecedent but considering the fact that the recovery/seizure is from bags in the field and not from his conscious possession, is in custody since 05.09.2024 (para-4 of the petition), one of the co-accused Govind Choudhary has been extended bail as stated above, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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 Special Judge, Excise Court No.2, Buxar in connection with Brahmpur P.S. Case No. 337 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 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 next 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)

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