

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14724 of 2019

Arising Out of PS. Case No.-643 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

JAWAHIR CHAUDHARY @ Jawahar Chaudhary, aged about 58 years,
Male, Son of Late Rajbali Chaudhary, Resident of Village - Daroga Hata,
Gaoshala Road, P.S.- Siwan Muffasil (Mahadewa), District - Siwan
... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Yogendra Prasad Sinha, Adv.
For the Opposite Party : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
17.12.2018 in connection with Siwan Muffasil (Mahadewa) P.S.
Case No. 643 of 2018 for the offences alleged under Sections
272 and 273 of the Indian Penal Code and under Sections 30(a)
and 41(1) Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information the police reached the
Kali Temple and near the boundary 33.300 liters of illicit liquor
was recovered while the accused persons managed to flee away.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history, was not
apprehended from the place of occurrence and his name has
been taken by the police only on suspicion. He, further, submits



that nothing has been recovered from his conscious possession and he is languishing in judicial custody since nearly three months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Siwan Muffasil (Mahadewa) P.S. Case No. 643 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Siwan, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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