

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4240 of 2020

Arising Out of PS. Case No.-311 Year-2019 Thana- NARDIGANJ District- Nawada

Sanjay Choudhary Son of Late Baleshwar Choudhary Resident of Village -
Nardiganj Bazar, P.S. - Nardiganj, District – Nawada

... Petitioner

Versus

The State Of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr.Vishwa Ranjan Choudhary, Advocate

For the Opposite Party : Mr.Pushpa Sinha.1, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-01-2020

Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the offence punishable under section 30(a)/37(c) of the Bihar Prohibition and Excise Act, 2016.

There is recovery of 2.5 liters of country made liquor from the house of the petitioner.

Learned counsel for the petitioner submits that the recovery has not been made from the conscious possession of the petitioner, rather the same has been made from the joint family house. He is not concerned with the said recovery. Even mandatory provisions of section 100 Cr.P.C. has not been followed for search and seizure. Petitioner is in custody since 16.12.2019. Similarly situated co-accused persons have already been released on bail by the court below itself as mentioned in paragraph 10 of the bail petition.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, 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 Additional Sessions Judge II cum Special Judge Excise Act, Nawada in Nardiganj Police Station Case No. 311/2019, on the following conditions:-

(1) 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.

(2) 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.

(Prabhat Kumar Singh, J)

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