

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8067 of 2020**

Arising Out of PS. Case No.-269 Year-2019 Thana- SOHSARAI District- Nalanda

JITU CHAUDHARY @ JITATU CHAUDHARI S/o Mahesh Chaudhary R/o
Village- Chhtoti Pahari, Mansur Nagar, P.S.- Soh sarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 13-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard Mr. Raj Kishore Prasad, learned counsel for the petitioner, as well as Mrs. Pushpa Sinha, the learned APP for the State.

The petitioner is accused in Soh sarai P. S. Case No. 269 of 2019/ G.R. No. 5561 of 2019. The offence alleged are under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

198.300 Liters country made wine has been recovered on 6.10.2019 from the house of co-accused Mahesh Chaudhary. The petitioner has been named by co-accused Mahesh Chaudhary leading to his implication in the instant case.



Learned Counsel for the petitioner submits that there is no recovery from the petitioner. Recovery is from the joint family property. The bonafide of the petitioner is evident from the fact that he himself surrendered on 7.1.2020 and since then he is in custody after rejection of his bail by the court below.

Learned APP for the State opposed the prayer for bail. She has submitted that in view of petitioner's interest in the joint family property petitioner cannot absolve himself from the liability arising out of recovery.

Considering the rival submission the prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, 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 the Additional District Judge 2ndcum Special Judge Excise Act, Nalanda at Biharsharif, in connection with Sohsarai P. S. Case No. 269 of 2019/ G.R. No. 5561 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID 19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his



personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirements of furnishing bail bonds, and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned Additional District Judge 2nd cum Special Judge Excise Act, Nalanda at Biharsharif and the competent authority of the State in terms of clause 13 of Notice II published in the Cause list uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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