

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9312 of 2020

Arising Out of PS. Case No.-333 Year-2019 Thana- WARISLIGANJ District- Nawada

SACHIN CHOUDHARY Son of Krishna Choudhary Resident of Village -
Mohiuddinpur, P.S. - Warisaliganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh, Advocate
For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-05-2020

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 learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Warisaliganj P. S. Case No. 333 of 2019 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The informant handed over a bag containing 10 liters country made liquor to the Police Station. Upon his information the FIR has been lodged that the petitioner was indulging in sale of some near Community Hall.

It is submitted by learned Counsel for the petitioner that the prosecution case is a glaring example of false implication. The country made liquor was produced in the police station by the informant. The petitioner has no concern with the same and on extraneous consideration he has been implicated. Petitioner is in custody since 11.12.2019. It is further submitted that in many of the seven cases of similar



nature pending against the petitioner he has been allowed bail.

The learned APP for the State opposed the prayer for bail.

Considering the rival submissions this Court is inclined to allow the petitioner's prayer for bail.

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 2nd cum Special Judge Excise Act, Nawada, in connection with Warisaliganj P. S. Case No. 333 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, Nawada 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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