

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13214 of 2020

Arising out of PS. Case No.-334 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

Vijay Choudhary, aged about 35 years (M), Son of Late Lakhan Chaudhary,
Resident of Village-Pansalla, P.S.-Muffasil, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 14-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Pramod Kumar Verma, learned counsel for the petitioner and Mr. Umeshanand Pandit, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Muffasil PS Case No. 334 of 2019 dated 03.11.2019, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that from outside his house 3 litres of country-made *mahua* liquor was recovered in a plastic gallon and the petitioner fled away from the spot on seeing the police.



5. Learned counsel for the petitioner submitted that he is innocent and neither he has been caught at the spot nor any recovery has been made from his house. It was submitted that the recovery was made from outside his house, and that too, of only 3 litres of country-made *mahua* wine and further, that due to village politics he has been made accused in the case. It was further submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the petitioner ran away on seeing the police. However, he did not dispute that recovery was from outside the house of the petitioner of 3 litres of country-made *mahua* wine.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Nawada in Muffasil P.S. Case No. 334 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, (i) one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond



with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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