

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17850 of 2020

Arising Out of PS. Case No.-56 Year-2018 Thana- BADHAILA District- Rohtas

Raju Choudhary, aged about 35 years, Gender-Male, Son of Late Lalmohar Choudhary Resident of Village- Karan, P.S.- Baghaila, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Advocate
For the State : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

2 13-05-2020 The matter has been listed and heard *vide* video conferencing in view of the lock-down imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Baghaila PS Case No. 56 of 2018 dated 20.07.2018 instituted under Sections 30(a)/38(1)(2) and 47 of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that from his garage 75 litres of illicit liquor was recovered.

5. Learned counsel for the petitioner submitted that



the garage was not his personal garage and was a common garage and that the recovery has not been from his conscious possession. It was further submitted that in another case he was made accused and only because of that the police raided the house and had broken the lock of the garage from where recovery has been shown. It was further submitted that the petitioner is in custody since 06.01.2020.

6. Mr. Ajay Kumar Jha, learned APP submitted that the recovery has been from the garage of the house where the petitioner also lives.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge-cum-Special Judge, Rohtas, Sasaram in Baghaila PS Case No. 56 of 2018, subject to the conditions (i) that 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. 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)

Anjani/P.Kumar

