

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19316 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Mahendra Chaudhary, Son of Late Photo Chaudhary, Resident of Village -
Panchi, P.S.- Sheikhopur Sarai, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-06-2020 The matter has been listed today for consideration

through video conferencing in view of the nationwide lockdown

on account of 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 connection with Excise
Case No.100 of 2020 arising out of Sheikhopur Sarai P.S. Case
No.16/2020 instituted for the offence punishable under Sections
272, 273 of the Indian Penal Code and Section 30(a) of the



Bihar Prohibition and Excise Act, 2016.

In course of search of the joint family house of the petitioner, two plastic containers containing total 30 litres of country-made liquor is said to have been recovered.

The petitioner's counsel submits that the recovery is from the joint family house. The petitioner, even as per the prosecution case, was arrested from outside the house. It is the specific averment of the petitioner that he has no criminal antecedents and is in custody since 28.02.2020. Further submission is that the recovery is in contravention of the mandatory procedure.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow 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 learned ADJ-II, Sheikhpura, in connection with Excise Case No.100 of 2020 arising out of Sheikhopur Sarai P.S. Case No.16/2020, 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.

(Madhuresh Prasad, J)

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