

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21228 of 2020

Arising Out of PS. Case No.-376 Year-2019 Thana- BRAHMPUR District- Buxar

Prabhu Choudhary, S/o Late Bihari Chaudhary, R/o Village- Nimej, P.S.-
Brahmpur, District- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-06-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

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 Brahmpur P.S. Case No.376 of 2019 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

743.04 litres IMFL has been recovered from a Xylo



vehicle, which was parked near the hut of the petitioner.

It is submitted by the petitioner's counsel that on perusal of the F.I.R. it is evident that there is no recovery from the petitioner of any illicit liquor. The vehicle also did not belong to the petitioner nor was he apprehended in the vehicle. Merely on the basis of his criminal antecedents, he has falsely been implicated in this case. He is on bail in Brahmpur P.S. Case No.22 of 2019 and Brahmpur P.S. Case No.537 of 2019 though there is other case pending against him since before. He is in custody in connection with the present case since 07.03.2020.

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 A.D.J. II Cum Special Judge, Excise Act, Buxar, in connection with Brahmpur P.S. Case No.376 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.

(Madhuresh Prasad, J)

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