

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24600 of 2020**

Arising Out of PS. Case No.-27 Year-2020 Thana- RAJPUR District- Rohtas

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UMASHANKAR CHOUDHARY S/o Jitendra Choudhary @ Santosh Choudhary Resident of Village-Darekhap, P.S.-Rajpur, District-Rohtas (Sasaram).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 21-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings 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 Rajpur Police Station (for brevity, PS) Case No 27 of 2020 instituted for the offence punishable under Sections 30 (a), 37 (b) of Bihar Excise and Prohibition Act.



A car is said to have been intercepted from which the Driver (the petitioner) was apprehended. 181.260 liters of illicit liquor is alleged to have been recovered from the vehicle in question.

Petitioner's counsel submits that the petitioner was a Driver and had no knowledge about what was being carried by the passengers. Petitioner has no criminal antecedent. The recovery is not as per the procedure prescribed and the petitioner is in custody since 20.02.2020.

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

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, Rohtas (Sasaram) in Rajpur PS Case No 27 of 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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