

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29049 of 2020

Arising Out of PS. Case No.-6 Year-2020 Thana- PARASI District- Jehanabad

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1. Laxman Chaudhary, Son of Lalan Chaudhary, Resident of Village-Rampur Waina, P.S.-Parasi, District-Arwal.
 2. Laddu Chaudhary, Son of Lalan Chaudhary, Resident of Village-Rampur Waina, P.S.-Parasi, District-Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-11-2020 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.

Mr.Syed Mojibur Rahman, learned APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned counsel for the petitioners and the learned APP for the State.



The petitioners seek bail in connection with Excise Case No.185 of 2020 arising out of Parasi P.S. Case No.06 of 2020 registered for the offence punishable under Section 30(a) (d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

1000 litres fermented *Mahuwa* and some utensils allegedly used for preparation of the same have been recovered from the bushes. The petitioners' implication is on the statement of local persons that they were fleeing away from the place of recovery.

Petitioners' counsel submits that even as per the prosecution case, they were not arrested at the time of recovery. The recovery is from an open place having general access and there is no compliance with the prescribed procedure for seizure under Cr.P.C. Petitioners' implication is merely on suspicion. Petitioner No.1 is in custody since 12.08.2020 and petitioner No.2 since 04.08.2020.

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

Considering the rival submissions, this Court is inclined to allow the petitioners' prayer for bail.

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten



thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-Cum-Special Judge, Excise, Jehanabad, in connection with Excise Case No.185 of 2020 arising out of Parasi P.S. Case No.06 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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