

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13078 of 2021**

Arising Out of PS. Case No.-423 Year-2020 Thana- ATRI District- Gaya

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Birendra Chaudhary, Son Of Lakhan Chaudhary, R/o Village- Narabat, P.S.-
Atri, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 09-07-2021 The matter has been taken up 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 Atri P.S.
Case No.423 of 2020 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

8 litres *Mahuwa* liquor along with 60 litres Jawa
Mahuwa and some utensils used for manufacturing the liquor



have been recovered from the petitioner's house.

It is submitted by the petitioner's counsel that the recovery is from the joint property and therefore the petitioner cannot be held responsible. There is no recovery from the conscious possession of the petitioner. He is in custody since 28.11.2020 and there is one more case pending against him under the provisions of the Bihar Prohibition and Excise Act as detailed in paragraph 3 of the bail petition.

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

Considering the rival submissions, this Court is inclined to allow the 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 Special Judge, Excise, Gaya, in connection with Atri P.S. Case No.423 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.

This Court would expect that the petitioner's 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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