

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18165 of 2021

Arising Out of PS. Case No.-704 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Krishna Chaudhary @ Balwa, Son of Ramesh Chaudhary, R/O Village-
Ambedkar Colony, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-10-2021 Heard learned Counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with Town
P.S. Case No.704 of 2020 registered for the offence punishable
under Sections 272, 273 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act.

There is an alleged recovery of 64 litres country
made liquor from the bushes on the roadside. The petitioner
along with two others has been implicated, based on a secret
information by the police.

Counsel for the petitioner submits that the
petitioner's implication is on account of his antecedents in Town
P.S. Case No.190 of 2020 and Town P.S. Case No.504 of 2012



and in both the cases, he is on bail. Even as per the prosecution case, recovery is from the roadside having general public access, for which criminal liability cannot be fastened on the petitioner. He was not arrested at the spot nor there is any recovery from him. He is in custody since 05.12.2020.

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

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 learned Special Judge, Excise Act, Muzaffarpur, in connection with Town P.S. Case No.704 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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