

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18192 of 2021**

Arising Out of PS. Case No.-1640 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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Jitendra Chaudhari @ Jitendra Kumar, aged about 30 years, male, S/o Suresh Chaudhari Resident of Village- Dharahara Pul Ke Pas, P.S.- Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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

2 25-10-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Excise Case No. 1640 of 2020 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

There is recovery of 76 litres Indian made foreign liquor besides the petitioner's house concealed in the cowdung cake and bricks.

Learned counsel for the petitioner submits that recovery



cannot be attributed to the petitioner since the place of recovery is accessible to one and all. There is non compliance of Section 100 Cr. P.C. Having no criminal antecedents, he is in custody since 25.10.2020.

The learned APP representing 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 the learned IVth Additional District and Sessions Judge-cum-Special Judge Excise Act, Bhojpur, Ara, in connection with Excise Case No. 1640 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.

(Madhuresh Prasad, J)

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