

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19967 of 2021

Arising Out of PS. Case No.-323 Year-2020 Thana- KHIJARSARAI District- Gaya

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Birendra Chaudhary @ Virendra Chaudhary Son Of Lala Chaudhary Resident
Of Village- Maksudpur Tola Raniganj, Police Station- Khizersarai, District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the
defects, as pointed out by the office, within four weeks of resumption
of normal court proceeding. In the eventuality of non-removal of
defects within undertaken period, the office will place the matter
before the Bench.

The petitioner seeks bail in connection with Khizersarai P.S.
Case No. 323 of 2020 (CIS 1355 of 2020) registered for the offence
punishable under Section 30 (a) of the Bihar Prohibition and Excise
Act.

It is submitted by learned counsel for the petitioner that no
incriminating article has been recovered from the conscious physical
possession of the petitioner rather 04 liters of country made wine



kept in 05 liters gallon was recovered from the house of Birendra Chaudhary (petitioner) and the same was seized. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He further submits that petitioner has been falsely implicated in this case by the police and the house of the petitioner is inhibited by his several family members and he had no knowledge of keeping of the said liquor in the house. Petitioner has two criminal antecedent as has been mentioned in para-3 of the present petition and has been languishing in custody since 16.12.2020.

Petitioner is agreed to deposit a sum of Rs. 5,000 (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Khizersarai P.S. Case No. 323 of 2020 (CIS 1355/2020) subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5,000 (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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