

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20701 of 2021**

Arising Out of PS. Case No.-113 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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DIVAYA PRAKASH CHAUDHARY SON OF LATE BUTAN
CHAUDHARY @ BUTAN CHAUDHARY RESIDENT OF VILLAGE-
SAKADDI, POLICE STATION- KOILWAR, DISTRICT- BHOJPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.A.G.

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

3 26-03-2021 On 14.3.2021 petitioner's mother has died. It has been stated that he is the only male person in the family for performing the rituals. On such mentioning the matter has been listed out of turn. Statements to this effect have also been made in the affidavit which has been filed today in Court.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

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

Petitioner seeks bail in Excise Case No. 113 of 2021 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case alleges recovery of 50.250 liters of English wine from a bag hidden in the bush. The petitioner has been apprehended as being the person who fled away.

It is submitted by learned Counsel for the petitioner that it is



a case of false implication. There is no compliance with the mandatory procedure for recovery and the petitioner has no criminal antecedent. The petitioner is stated to be in custody since 17.1.2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 4th Additional Sessions Judge -cum- Special Judge, Excise, Bhojpur at Ara in Excise Case No. 113 of 2021 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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