

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22841 of 2021**

Arising Out of PS. Case No.-382 Year-2020 Thana- KHIJARSARAI District- Gaya

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BIRENDRA CHOUDHARY @ VIRENDRA CHAUDHARY Son of Bahru Choudhary @ Lala Choudhary Resident of Village - Maksudpur Tola, Raniganj, P.S.- Khizersarai, Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

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

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      23-11-2021                      Heard Sri Manish Kumar, learned counsel for the petitioner and Sri Anuj Kumar Shrivastava, learned A.P.P. for the State.

The petitioner seeks bail in connection with Khizersarai P.S. Case No. 382 of 2020, registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

It is the case of the prosecution that in course of search of the house of Birendra Choudhary (Petitioner), three litres of country made liquor was recovered. Similarly, on search of house of Dharmendra Choudhary, two litres of country made liquor was recovered.

Learned counsel appearing on behalf of petitioner submits that only small quantity of country made liquor has



been alleged to have been recovered from the possession of the petitioner and petitioner is in custody since 16.12.2020. He further submits that earlier he was made accused in Khizersarai P.S. Case No. 323 of 2020 in which he has already been released on bail vide order dated 01.07.2021 passed in Criminal Miscellaneous No. 19967 of 2021 by this Court as such he deserves to be released on bail.

Learned A.P.P. appearing for the State, however, opposes the prayer for grant of bail of the petitioner.

Considering the submission made by the parties, allegation made in the F.I.R., I am of the opinion that the petitioner be released on bail. The petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Gaya in connection with Khizersarai P.S. Case No. 382 of 2020 subject to following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

**(Purnendu Singh, J)**

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