

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39208 of 2020**

Arising Out of PS. Case No.-126 Year-2020 Thana- LODIPUR District- Bhagalpur

Karu Choudhary, Son Of Late Bhutku Choudhary, Resident Of Mohalla- Pasi
Tola, Ishakchak, P.S.- Ishakchak, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

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

2 08-02-2021 Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Lodipur
P.S. Case No.126 of 2020 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2016.

253 litres illicit liquor is alleged to have been
recovered from a Bolero vehicle. Petitioner is said to be fleeing
away from the vehicle in question.

Petitioner's counsel submits that being a *bona fide*
passer-by, he has become a victim of circumstances. He has no
criminal antecedents and recovery is from a vehicle and the
petitioner has no concern with the same. There is no compliance
of Section 100 Cr.P.C. and is in custody since 29.09.2020.



Learned APP for the State has opposed the prayer for bail

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 2nd Additional Sessions Judge-II-cum-Special Judge (Excise Act), Bhagalpur, in connection with Lodipur P.S. Case No.126 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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