

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10910 of 2021**

Arising Out of PS. Case No.-47 Year-2020 Thana- RAJPUR District- Rohtas

MADAN CHOUDHARY @ AMARESH CHOUDHARY SON OF
JAWAHIR CHOUDHARY RESIDENT OF VILLAGE-SHRINAGAR
(SUARA TOLA), P.S-RAJPUR, DISTRICT-ROHTAS AT SASARAM

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

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

2 06-07-2021 . In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP 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 Rajpur PS Case No. 47 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

From behind the petitioner's house 110 liters country made liquor has allegedly been recovered.

Learned Counsel for the petitioner submits that the recovery is neither from his possession nor from his property. Having no criminal antecedent he is in custody since 13.7.2020.

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 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Rohtas at Sasaram in Rajpur PS Case No. 47 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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