

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4190 of 2021**

Arising Out of PS. Case No.-373 Year-2020 Thana- SITAMARHI District- Sitamarhi

MOHAN KUMAR CHAUDHARY Son of Late Raj Kumar Chaudhary  
Resident of Village - Gaushala Road Ambedkar Chowk, P.s.- Sitamarhi, Dist.-  
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Alok  
For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      18-03-2021                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner is in custody since 18.07.2020 in connection with Sitamarhi P.S. Case No. 373/2020 registered for the offences punishable under Sections 30(a)/36 of the Bihar Prohibition and Excise Act and Section 272/273 of the Indian Penal Code.

As per the prosecution case, 87.99 liters of foreign liquor has been recovered from the house of the petitioner.

It is submitted on behalf of the petitioner that nothing has been recovered from the possession of the petitioner. It is further submitted that the alleged recovery has been made from the house which is in joint possession of the family. Chargesheet has already been submitted in this case. Petitioner has got no



criminal antecedent as stated in paragraph No. 3 of the petition and he is in custody since 18.07.2020.

Considering the aforesaid facts and circumstances and that nothing has been recovered from the possession of the petitioner and taking into consideration the period of custody, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned ADJ-II cum Special Judge, Excise Act, Sitamarhi, in connection with Sitamarhi P.S. Case No. 373/2020, subject to following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

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

**(Prabhat Kumar Singh, J)**

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