

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13099 of 2021**

Arising Out of PS. Case No.-29 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Saharsa

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Musho Chaudhary @ Ajay Chaudhary Son of Late Jagdish Choudhary,
resident of village- Chandani Chowk, Ward No. 20, P.S.- Saharsa, District-
Saharsa, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nityanand, APP

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

2 09-07-2021

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 Special (Excise) Case No. 115
of 2020 registered for offence punishable under section 30 (a) of
the Bihar Prohibition and Excise Act, 2016.

From a cavity created in the bath room 87.39 litres



illicit liquor has been recovered. The petitioner has been apprehended being responsible for keeping the said liquor.

Learned counsel for the petitioner submits that the petitioner has been remanded in this case after his arrest. In another case, he is in custody since 15.06.2020 and merely on the basis of his criminal antecedent, he has been made an accused. He denies and disputes the recovery and submits that the same is not in accordance with law and the recovered substance has not been examined to determine whether it was an intoxicant or not.

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 learned Special Judge, Excise Act, Saharsa in Special (Excise) Case No.115 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 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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