

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8970 of 2021

Arising Out of PS. Case No.-384 Year-2020 Thana- TEKARI District- Gaya

Awadhesh Chaudhary, S/O Chhaukari Chaudhary, Resident of Village -
Panchanpur, P.S. - Tekari, District - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-07-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Tekari
P.S. Case No.384 of 2020 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

06 litres illicit *Mahuwa* liquor has allegedly been
recovered from a house.



Counsel for the petitioner submits that the recovery is not from the petitioner's conscious possession, but from the house which is joint family property and he has no concern with the alleged recovery. Petitioner has filed a supplementary affidavit where he has stated that he has been made accused in another case of similar nature in which he is on bail. He is in custody in connection with the present case since 14.10.2020.

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 Special Judge, Excise, Gaya, in connection with Tekari P.S. Case No.384 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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