

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43537 of 2022

Arising Out of PS. Case No.-424 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Lallu (LALU) Chaudhary @ Lalu Chaudhary @ Lallu, S/O Krishna Chaudhary, R/o Village- Nawadih, P.S.- Aurangabad Town, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Excise Case No. 424 of 2019 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, from the house of the petitioner, 18 litres of India made foreign liquor was recovered.

The learned counsel for the petitioner submits that the recovery has been shown from a house without door and



windows. Moreover, this is a joint family property so that the liability of recovery could not be fastened upon the petitioner. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is in custody since 23.10.2021 and the prosecution report has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is also accused in similar type of case.

Having regard to the submissions made hereinabove and considering the fact that the prosecution report has been submitted in this case and also considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge, Excise-IIInd, Aurangabad, in connection with Excise Case No. 424 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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