

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67204 of 2021

Arising Out of PS. Case No.-266 Year-2021 Thana- MADANPUR District- Aurangabad

Naresh Chaudhary, male, aged about 24 years, S/o Late Satendra Chaudhary
Resident of Paraiya More Tole Khiriyawan, P.S.- Madanpur, District-
Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Pd. Singh, Sr. Adv. with Mr. Bhaskar
Shankar, Adv.

For the State : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in *Madanpur PS Case No. 266*
of 2021, instituted for the offence punishable under Sections
30(a) of the Bihar Prohibition and Excise Act.

140 liters illicit spirit has been recovered from the house
of co-accused Rita Devi. It is alleged that the petitioner had
stored the illicit liquor at her house and was present at the time
recovery has been made.



It is submitted by the senior counsel representing the petitioner that petitioner is already on bail in *Madanpur PS Case No. 253 of 2017*. In the instant case, recovery is from house of co-accused and merely because the petitioner was present at the place of recovery, he has been made an accused in this case, though he has no concern with the recovered spirit. Petitioner is in custody since 19.09.2021 and that the investigation is complete.

The learned APP for the State has opposed the prayer for bail.

Considering the above noted submissions, the fact that the house belongs to co-accused, period of custody as also completion of investigation, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 *Additional Sessions Judge-II-cum- Spl Judge Excise Act, Aurangabad*, in connection with *Madanpur P. S. Case No. 266 of 2021*, 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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