

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7726 of 2023

Arising Out of PS. Case No.-320 Year-2021 Thana- KHIJARSARAI District- Gaya

MAHAJAN CHAUDHARY S/O LATE SHYAMAL CHAUDHARY @ late
shyam lal choudhary R/v- Horma, P.S.- Khizersarai, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-02-2023 Instant petition has been filed for the relief of regular bail and petitioner has been languishing in jail in connection with Khizersarai P.S. Case No.320 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per FIR, allegation is with respect to recovery of 9 litres of county made liquor from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner earlier preferred Cr. Misc. No.6057 of 2022 for the relief of regular bail which was rejected by this Bench mainly considering the petitioner being a habitual in committing the offence under Excise Act and thereafter the period of about 8 months have elapsed and there is no progress in the trial of the



petitioner and moreover the petitioner has been languishing in jail since 29.10.2021 in the present matter which relates to the recovery of 9 litres of country made liquor.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides.

Though the petitioner's earlier prayer has been rejected by this Court but considering his custody period and petitioner's submission that no progress has been made in his trial which appears to be at the initial stage, in the opinion of this Court, a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Khizersarai P.S. Case No.320/2021.

Further the bail bonds of the petitioner will be accepted after framing of charge, if the trial of the petitioner has not started till date.

(Shailendra Singh, J)

Sanjay/-

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