

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61538 of 2022

Arising Out of PS. Case No.-449 Year-2021 Thana- GARDANIBAG District- Patna

Birju Chaudhary @ Birju Kumar, male, aged about 40 years, S/o Late Lalan Chaudhary @ Lalan Sahni R/o- Tahir Lane, Gardanibagh, P.S.- Gardanibagh, District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Waquar Haider, Adv.

For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2023 This matter has been taken up today for consideration through video conferencing.

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

The petitioner seeks bail in connection with Gardanibagh P.S. Case No. 449 of 2021 registered for the offence punishable under Sections 30(a)/34 of Bihar Prohibition and Excise Act, 2018 and 25(1-b)A/26 Arms Act, 1959.

The police have tried to apprehend co-accused Baiju Chaudhary, whereafter he started fleeing and it is alleged that he entered the house. From house, there is alleged recovery of 6 (six) litres & 400 (four hundred) millilitres, country made liquor, 1 (one) loaded country made pistol and 9 (nine) live cartridges.

Learned counsel for the petitioner submits that he is brother of co-accused Baiju Chaudhary and merely because the house from which the alleged recovery has been made is joint property, he has been made an accused. He has been arrested nearly 7 (seven) months after the alleged recovery and arrest of co-accused Baiju Chaudhary.



The petitioner is in custody now since 29.06.2022. The co-accused, Baiju Chaudhary has been released on bail in Cr. Misc No. 59618 of 2022. The petitioner has no antecedent.

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

Considering the rival submissions, 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 Special Judge, Excise, Patna, in connection with Gardanibagh P.S. Case No. 449 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)

rajkishore/-

U		T	
---	--	---	--

