

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65911 of 2022**

Arising Out of PS. Case No.-248 Year-2022 Thana- DEO District- Aurangabad

SANJAY CHAUDHRI @ SANJAY CHOUDHARY SON OF LATE BILASH
CHOUDHARY R/O VILLAGE- CHATTI, P.S.- DEO, DISTRICT-
AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-02-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Deo Police Station (for brevity, **PS**) Case No 248 of 2022 dated 23.09.2022 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

30 liters **Mahua** liquor is alleged to have been recovered from the petitioner's house.

It is submitted that recovery is not from the possession of the petitioner but from joint family property for which no liability can be attributed to the petitioner. The recovery is denied and disputed altogether. Petitioner has one antecedent and is on bail in the said case. In the instant case, he is in custody since 24.09.2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail,



is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Court Excise-I, Aurangabad in Deo PS Case No 248 of 2022, 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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