

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 68089 of 2022**

Arising Out of PS. Case No.-164 Year-2022 Thana- TILAUTHU District- Rohtas

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AJAY CHAUDHARY, aged about 30 years, Gender – Male, S/o Late Balrati Chaudhary, resident of Village – Uttar Patti, Tilauthu, PS – Tilauthu, District - Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Bhaskar Shankar, Advocate

For the Opposite Party/s : Ms Gulnar Begum, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-02-2023

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

The petitioner seeks bail in Tilauthu Police Station (for brevity, **PS**) Case No 164 of 2022 dated 04.07.2022 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act.

There is alleged recovery of 90 liters of country made liquor from co-accused Julfikar Ali which he was carrying on his head. He was arrested and he stated the petitioner's name.

Learned counsel for the petitioner submits that co-accused Julfikar Ali has been allowed bail by this Court by order dated 19.11.2022 passed in Cr Misc No 60302 of 2022. Petitioner is having two antecedents and in both cases, he has been implicated in the statement of other persons, but not based on recovery from him. He is in custody since 31.08.2022. Investigation is complete. Even as per the case, there is no recovery from the petitioner.

Learned APP has opposed the prayer for bail.



Having considered the rival submissions, 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 Exclusive Special Excise Court No II -cum- Additional Sessions Judge, Rohtas at Sasaram in Tilauthu PS Case No 164 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)

M.E.H./-

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