

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59114 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -BHAIRABASHTHAN District- MADHUBANI

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1. Suman Chaudhary @ Suman Je @ Suman Choudhay S/o Late Ganesh Choudhary , R/o Village- Kanakpur (Ujan), P.S.- Sakatpur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar , A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-12-2017 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Bhairab Asthan P. S. Case No. 21 of 2017 arising out of G.R. No. 453 of 2017 instituted for the offence punishable under Sections 272, 273 of the Indian Penal Code and 30 (a) and 38 (1) (2) of the Bihar Excise Prohibition Amendment Act, 2016.

The allegation is regarding recovery of 1609 liters of illicit liquor from the possession of other co-accused persons.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he has got nothing to do with the alleged recovery of wine. It is



further submitted that co-accused person from whose possession the alleged recovery of liquor has been made, has already been granted regular bail by this Hon'ble Court vide order dated 21.07.2017 in Cr. Misc. No. 27867 of 2017. It is submitted that the petitioner is languishing in custody since 10.09.2017.

Considering the nature of accusation and the fact that the case of the petitioner is based on better footing than the case of the co-accused person, who has already been granted regular bail, I deem it fit and appropriate to direct the release of the petitioner. Accordingly, the petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum Special Judge, Excise Act, Madhubani in connection with Bhairab Asthan P. S. Case No. 21 of 2017 arising out of G.R. No. 453 of 2017.

(Mohit Kumar Shah, J)

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