

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14052 of 2020

Arising Out of PS. Case No.-177 Year-2019 Thana- KOCHAS District- Rohtas

GUDDU CHOUDHARY @ GUDDU RAUT Son of Rajendra Choudhary @
Rajendra Raut @ Rajendra Singh Resident of Village - Kapasian, P.S.-
Kochas, District- Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-05-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

The petitioner seeks regular bail in connection with
Kochas (Parasathua O.P.) Police Station Case No. 177 of 2019,
registered for the offence punishable under Section 30 (a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that the police, on
secret information, intercepted one apache motorcycle and one
bolero pick-up van and on seeing the police, the pillion rider on
the motorcycle fled away. The motorcycle and the bolero pick-
up van were searched and 34.2 litres of illicit liquor from the
motorcycle and 1252.8 litres of illicit liquor from the bolero
pick-up were recovered. The police arrested the driver of the



motorcycle and the bolero pick-up van, who disclosed their names as Aslam Mian and Dhananjay Singh. Co-accused Aslam Mian further disclosed that the illicit liquor belongs to the petitioner and others, who are involved in the sale of illicit liquor.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as no illicit liquor has been recovered from his conscious possession or the premises belonging to him. He further submits that the name of the petitioner has been dragged due to oblique motive and on the basis of the confessional statement of the co-accused. He further submits that the petitioner has got no criminal antecedent and he is in custody since 31.12.2019. He further submits that co-accused persons, Aslam Mian and Dhananjay Singh, have been granted regular bail by this Court by orders, dated 18.10.2019 and 13.01.2020, passed in Criminal Misc. Nos. 61738 and 74361 of 2019, respectively.

On the other hand, learned Additional Public Prosecutor submits that similarly situated co-accused Bhuar @ Sunil Singh @ Sunil Yadav has filed anticipatory bail application, being Criminal Misc. No. 3489 of 2020, in which case diary has been called for and the said application is



pending for consideration before this Court.

After having heard learned Counsel for the parties and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession or the vehicles belonging to the petitioner and the petitioner is in custody since 31.12.2019, having no criminal antecedent and the drivers of the two vehicles, from which illicit liquor had been recovered, have already been granted regular bail by this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Rohtas, at Sasaram, in connection with Kochas (Parasathua O.P.) Police Station Case No. 177 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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