

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85522 of 2019

Arising Out of PS. Case No.-99 Year-2019 Thana- SAHAJITPUR District- Saran

Prakash Choudhary @ Om Prakash Choudhary aged about 42 years , Male,
Son of Jagarnath Choudhary Resident of Village- Meduka, Pasi Tola, P.S.-
Sahajitpur, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sahajitpur P.S. Case No. 99 of 2019, registered for the offence
punishable under Sections 30, 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner is that the Police
on the basis of secret information that petitioner along with an
another person has brought a consignment of illicit liquor from a
Bolero Car, intercepted the said Bolero Car and recovered a
total quantity of 200 liters of illicit *Mahua* liquor from the
Bolero Car in question. The person sitting in the said Bolero Car



succeeded in fleeing away. The petitioner surrendered himself before the court below on 08.11.2019 and since then he is in judicial custody.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged inasmuch as the Bolero car from which the illicit liquor has been recovered does not belong to the petitioner and no illicit liquor has been recovered from his conscious possession or the vehicle belonging to him. Learned counsel further submits that petitioner has got no criminal antecedent and he has been made accused merely on the basis of suspicion. Learned counsel relying upon the order dated 03.02.2020 passed in Cr. Misc. No. 5729 of 2020 submits that similarly situated co-accused Dahari Choudhary has been granted bail by this Court.

Having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and the similarly situated co-accused has been granted bail by this Court , I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each



to the satisfaction of learned 2nd Addl. Sessions Judge Cum
Special Judge, Excise, Saran, Chapra in connection with
Sahajitpur P.S. Case No. 99 of 2019.

(Anil Kumar Sinha, J)

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