

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16368 of 2021**

Arising Out of PS. Case No.-390 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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ANIL CHOUDHARY @ LALU CHOUDHARY @ LALLU CHAUDHARY
Son of Krishna Choudhary Resident of Village - Nawadih, Ward No.20, P.S.-
Town, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Town P.S. Case No.390/2020 registered for the

offences punishable under Section 30(a) of the Bihar Prohibition

and Excise Act, 2016. He is in custody since 24.11.2020. The

petitioner has got three criminal antecedents as stated in

paragraph ‘3’ and in all the cases he is said to be on bail.

As per the prosecution story, 135 bottles of illicit

liquor each containing 300 ml has been found kept behind the gumty of the petitioner and he was indulged in selling of liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the conscious possession of the petitioner and he has no concern with the alleged seized liquor.

Mr. Ram Bilash Roy Raman, learned APP for the State has opposed the prayer for regular bail of the petitioner as according to him the petitioner has got criminal antecedents of similar nature.

Having regard to the facts and circumstances of the case wherein as per the prosecution story the illicit liquor has been found kept behind the gumty of this petitioner and the allegation is that he was indulged in selling of liquor and apart from the fact that 135 bottles have been recovered, the petitioner has three criminal antecedents of similar nature giving an impression to this Court that while being on bail he has indulged in commission of the offence repeatedly, this Court is not inclined to release the petitioner on bail. The prayer for bail is, thus, refused.

Let the trial be expedited.

The learned trial is directed to proceed with the trial as early as possible and all endeavours be made to conclude the same within a period of nine months from the date of communication of this order.

If the trial remains unconcluded within the aforesaid period of nine months for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.