

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22151 of 2021

Arising Out of PS. Case No.-209 Year-2020 Thana- HISUWA District- Nawada

MITHLESH CHAUDHARY SON OF DAROGI CHAUDHARY RESIDENT
OF VILLAGE- TUNGI CHAK, POLICE STATION- HISUA, DISTRICT-
NAWADA Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-06-2021 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Hisuwa P.S. Case no.
209 of 2020 registered under section 30(a) of Bihar Prohibition
and Excise Act, 2016.

As per allegation in the FIR, the petitioner had been
made accused and taken into custody in connection with Hisuwa
P.S. Case no. 203 of 2020. It is stated that information was
received that at the same place of occurrence, once again
country liquor was being manufactured by the same accused
persons. On a raid being conducted, it is stated that seeing the
police personnel the accused persons managed to escape. It was
informed by the people nearby that the accused Sanjay
Choudhary in company of the petitioner and others are into



manufacture and sale of liquor. 100 kgs each of Mahua at four places, in the process of manufacturing was found and by way of sample 3 kgs was taken from each place. The rest was destroyed.

It is submitted by learned counsel for the petitioner that a typographical error has occurred in paragraph no. 3 of the petition where one another case pending against the petitioner under the Bihar Prohibition and Excise Act, 2016 has not been mentioned. A supplementary affidavit with respect to the same has been filed. It is further submitted that another supplementary affidavit has been filed stating about the death of the mother of the petitioner on 3.6.2021, the petitioner being the only son.

On merits it is submitted that the petitioner has been falsely implicated in the case. From perusal of the FIR it would transpire that the name of the accused persons who escaped on seeing the police personnel has not been given. The name of the petitioner transpired only to the effect that the persons who had gathered there disclosed that the accused Sonu Kumar, Mithlesh Chaudhary and Sanjay Choudhary are involved in manufacture and sale of liquor. The petitioner has been falsely implicated in the case because of his antecedents. He is in custody since 16.10.2020 and charge sheet has been submitted in the case.



The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody for over 8 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Hisuwa P.S. Case no. 209 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Nawada.

(Partha Sarthy, J)

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