

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32547 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- FULKAHA District- Araria

VIKASH KUMAR CHOUDHARY @ VIKASH KUMAR Son of Binod
Choudhary Resident of Village - Shripur, Sukhasan, Ward No.11, P.S.-
Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-12-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Special Case No. 239 of 2021 arising out of Fulkaha P.S. Case No. 33 of 2021 registered for the offence punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 420



liters of illicit liquor from a vehicle and the petitioner is stated to be the owner of the said vehicle.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 1.3.2021. The learned counsel for the petitioner has further submitted that the petitioner used to give the vehicle in question on hire and on the fateful day, he had given his vehicle on hire, therefore, he was not knowing the contents of the articles loaded on the said vehicle.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, I



deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned IInd Additional Session Judge cum Special Judge (Excise Act), Araria, in connection with Spl. Case No. 239 of 2021 arising out of Fulkaha P.S. Case No. 33 of 2021.

(Mohit Kumar Shah, J)

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