

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47127 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- BENIPATTI District- Madhubani

UPENDRA CHAUDHARY Son of Late Bipat Chaudhary Resident of
Village- Pahsaul, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-12-2021 At the outset, the learned counsel for the petitioner seeks to make correction with regard to name of the police station of the FIR in question in paragraph no. 1 and the prayer portion of the present petition.

The petitioner is permitted to make necessary correction, during the course of the day.

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

The petitioner seeks regular bail in connection with Benipatti P.S. Case No. 12 of 2021, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 27 liters of illicit



liquor from a motorcycle and 243 liters of illicit liquor from a tempo.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 31.1.2021. The learned counsel for the petitioner has further submitted by referring to paragraphs no. 10 and 11 of the present petition that he has got no concern either with the seized wine or the tempo or the motorcycle in question and is stated to be languishing in custody since 31.1.2021.

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 fact that the petitioner is not having any concern either with the seized wine or the tempo or the motorcycle in question and is stated to be languishing in custody since 31.1.2021, 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 Additional Sessions Judge-II cum
Special Judge, Excise Act, Madhubani in connection with
Benipatti P.S. Case No. 12 of 2021, G.R. No. 178 of 2021.

(Mohit Kumar Shah, J)

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