

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32183 of 2020

Arising Out of PS. Case No.-176 Year-2020 Thana- GURUA District- Gaya

JITENDRA CHOUDHAY Son of Ram Vilas Choudhary Resident of Village -
Pendapur, P.S.- Gurua, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Sharan, Advocate
For the Opposite Party/s : Mr. J.K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-01-2021 Heard learned counsel for the petitioner and learned
APP for the State. Learned counsel for the petitioner has filed an
undertaking to remove all the defects pointed out by the Stamp
Reporter as and when required. It is accordingly directed that all
defects pointed out by the Stamp Reporter be removed within
one month hereof.

2. The petitioner is in custody since 11.08.2020 in
connection with Gurua P.S. Case No. 176 (CIS 963/2020) for
the alleged offences under Sections 414 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2016.

3. It is submitted that the petitioner has been falsely
implicated in connection with recovery of 545 litres of wine
from Scorpio vehicle. It is submitted that the prosecution story



is highly doubtful considering that the police party is said to have seized the said Scorpio at 7.30 in the evening on 10.08.2020, whereas the seizure list has been prepared at 12.15 AM on 11.08.2020. The FIR has been instituted subsequently on the basis of information said to have been received at 3.00 AM on 11.08.2020. It is submitted that the petitioner has been apprehended from his house only on the basis of one criminal antecedent and no recovery has been made from him. The petitioner has already spent about four and half months in custody.

4. Learned APP appears and has been heard.

5. Be that as it may and having regard to the period of custody already suffered since 11.08.2020, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Gaya in connection with Gurua P.S. Case No. 176 of 2000 (CIS 963/2020), if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the



notice of this Court.

(Vikash Jain, J)

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