

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6262 of 2021

Arising Out of PS. Case No.-501 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rajesh Choudhary, aged about 40 years, male, son of Late Baijnath Choudhary, resident of village- Machaha, P.S. Muffasil (Singhaul), District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Balmukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-04-2021 Heard Mr. Ram Sumiran Rai, learned counsel for the petitioner and Mr. Balmukund Prasad Sinha, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Muffasil (Singhaul) P.S. Case No. 501 of 2020 (G.R. No. 1033 of 2020) registered for the offence under 120 (B) of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation against the petitioner is that Police received a secret information that foreign liquor has been kept near the *Basa* of Jagarnath Choudhary, proceeded towards the place of occurrence and recovered 46.125 liters of illicit liquor from a bush near the *Basa* of Jagarnath Choudhary. It has



further been alleged that villagers disclosed that the seized illicit liquor was kept therein by one Amit Kumar and Rajesh Choudhary (i.e. the petitioner).

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of statement made by the co-villagers only and no illicit liquor has been recovered from his conscious possession or from the premises belonging to him. Learned counsel next submits that from perusal of the First Information Report it would be evident that illicit liquor in question has been recovered from a bush near the *Basa* of Jagarnath Choudhary and not from the conscious possession of the petitioner, the petitioner is in custody since 12.10.2020 having no criminal antecedent.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the fact that no illicit liquor has been recovered from the conscious possession of the petitioner, he is in custody since 12.10.2020 having no criminal antecedent and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge, Excise Act, Begusarai in connection with Muffasil (Singhaul) P.S. Case No. 501 of 2020 (G.R. No. 1033 of 2020).

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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