

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.9107 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- SAHEBPUR KAMAL District- Begusarai

GAUTAM KUMAR @ GAUTAM CHAUDHARY S/O UPENDRA
CHAUDHARY RESIDENT OF PITANGHIA, P.S-BANKA, DISTRICT-
BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mrs.Rina Sinha (APP)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 24-02-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Sahebpur-Kamal P.S. Case No. 58 of 2020 registered for the
offences punishable under Sections 120(B), 224, 414 and 34 of
the Indian Penal Code and Section 30(a), 32, 27, 41(1) of the
Bihar Excise (Prohibition) Act, 2016.

The petitioner is in custody since 28.02.2020. His
application for grant of regular bail was earlier rejected by an
order dated 19.08.2020 passed in Cr. Misc. No. 20396 of 2020.
Taking exception to the fact that learned counsel appearing on
behalf of the petitioner was in possession of the entire case diary
supplied to him at the instance of the petitioner, his application
was earlier rejected.



From the case of the prosecution, it transpires that huge quantity of Indian made foreign liquor was recovered from a pick-up van and one Suraj Kumar was apprehended at the spot, who disclosed the name of this petitioner and others about their involvement in trade of illicit liquor.

Learned counsel appearing on behalf of the petitioner has argued that except for the so called disclosure made by Suraj Kumar before the police, there is no material against him. He has further submitted that the said Suraj Kumar has been allowed regular bail by this Court by an order dated 12.10.2020 passed in Cr. Misc. No. 26509 of 2020.

Considering the submission made on behalf of the petitioner and the fact that he is in custody since 28.02.2020, this application is allowed.

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 the learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Begusarai in Sahebpur-Kamal P.S. Case No. 58 of 2020.

(Chakradhari Sharan Singh, J)

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