

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9083 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- MAHNAR District- Vaishali

NIWASH @ SRI NIWASH CHOUDHARY @ NIWASH KUMAR SON OF
SRI ASHOK CHOUDHARY R/O VILLAGE- CHANDSARAI, P.S.-
JANDAHA, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Ms. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Mahnar Police Station Case No. 322 of 2021, registered for the offence punishable under Sections 413/272/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, on the basis of secret information that co-accused persons, namely, Hareram Choudhary and Vikash Choudhary, have brought a consignment of illicit liquor, proceeded towards the place of occurrence and recovered 393 litres of illicit liquor from the husk room of co-accused Hareram



Choudhary and 1927.95 litres of illicit liquor from the husk room of co-accused Vikash Choudhary.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. He further submits that the name of the petitioner has been disclosed by the local chowkidar and no illicit liquor has been recovered from the conscious possession of the petitioner and/or premises belonging to him. He further submits that the petitioner is in custody since 02.12.2021, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from the conscious possession and/or premises belonging to the petitioner, charge sheet has already been submitted and the petitioner is in custody since 02.12.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on



bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Vaishali, at Hajipur, in connection with Mahnar Police Station Case No. 322 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√	T	√
---	---	---	---

