

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39555 of 2021**

Arising Out of PS. Case No.-182 Year-2021 Thana- KOILWAR District- Bhojpur

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Ganesh Chaudhary S/O Bhushan Chaudhary R/O Village-Koilwar  
(BARBURBANI Ghat), Ward No. 14, District-Bhojpur (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Abhimanyu Deo

For the Opposite Party/s : Mr.Ashok Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      28-01-2022                      Heard.

The petitioner seeks regular bail in connection with Koilwar P.S. Case No. 182 of 2021, registered for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 350 liters of illicit country made liquor from near the bank of the river and the petitioner is stated to have been arrested from the spot.

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 20.04.2021. The learned counsel for the petitioner has further submitted that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor from the premises of the petitioner and the same has been recovered from near the river bank, hence, the petitioner cannot be saddled with the liability of the recovered illicit country made liquor.

Per contra, Mr. Ashok Kumar, 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 parties and taking into account the materials available on record as also considering the fact that the illicit liquor has neither been recovered from the conscious possession of the petitioner nor from his house, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since a long time, I deem it fit and proper to admit



the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, Excise, Bhojpur, Ara in connection with Koilwar P.S. Case No. 182 of 2021.

**(Mohit Kumar Shah, J)**

Tiwary/-

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