

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39382 of 2021

Arising Out of PS. Case No.-172 Year-2020 Thana- BANKA District- Banka

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DHARMENDRA CHOUDHARY Son of Late Rohin Choudhary Resident of
Village- Balarpur, P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Special Excise Case No. 139 of 2020, arising out of Banka
Police Station Case No. 172 of 2020, registered for the offences
punishable under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that a total quantity of 37 litres of illicit liquor has
allegedly been recovered from the house of the petitioner.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and he is not
the sole owner of the house in question, but the house, in
question, belongs to a joint family, in which other family



members also reside. He further submits that the petitioner is in custody since 16.06.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that charge sheet has already been submitted and the petitioner is in custody since 16.06.2021 and the trial is not likely to be concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Banka, in connection with Special Case No. 139 of 2020, arising out of Banka Police Station Case No. 172 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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