

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40577 of 2021

Arising Out of PS. Case No.-110 Year-2021 Thana- RAJAON District- Banka

JAY SHANKAR CHOUBEY Son of Late Jyotindra Prasad Choubey Resident
of Village - Tagepur, P.S.- Jagdishpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection with Rajoun (Nabada Bazar) PS case no. 110 of 2021 instituted for the offences punishable under Sections 30(a), 32(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 167.085 liters of illicit liquor from a tempo and the petitioner is stated to be the owner of the said tempo.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The petitioner is stated to be languishing in



custody since 04.06.2021. The learned counsel for the petitioner has further submitted that the tempo, at the relevant point of time, was being driven by someone else, hence the petitioner cannot be saddled with the liability of the illicit liquor seized by the police. It is also submitted that the petitioner was neither apprehended from the spot nor any illicit liquor has been recovered from his conscious possession.

Per contra, the learned A.P.P. 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 learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner was not present at the spot on the date and time when the illicit liquor was recovered by the police and the tempo in question was being driven by the co-accused person namely Sunil Mandal, apart from the fact that the illicit liquor has not been recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be



released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Sessions Judge-II-Special Judge (Excise), Banka in connection with Rajoun (Nabada Bazar) PS case no. 110 of 2021.

(Mohit Kumar Shah, J)

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