

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40777 of 2021

Arising Out of PS. Case No.-308 Year-2020 Thana- RAJPUR District- Buxar

JITENDRA CHAUHAN Son of Kamlesh Chauhan @ Kamlesh Noniya
Resident of Village - Akbarpur, P.S.- Rajpur, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Rajpur P.S. Case No. 308 of 2020 for the offence registered under
Section 30(a) of the Bihar Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 371 litres of
illicit English foreign liquor from under the straw kept in an open
field belonging to one Shripat Chuhan. The petitioner and other
accused persons are alleged to be engaged in the business of
trading of illicit liquor.

The learned counsel for the petitioner has submitted that
the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 22.03.2021.
The learned counsel for the petitioner has further submitted that
neither the field in question belongs to the petitioner nor any illicit



liquor has been recovered from the conscious possession of the petitioner and he has been merely roped in the present case on the basis of him being accused in other cases of similar nature in which he is on bail.

Per contra, the learned counsel 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 petitioner and taking into account the materials available on record, this Court finds that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the field in question from where the illicit liquor has been recovered, belongs to the petitioner, hence, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to 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 learned Special Judge Excise, Buxar in connection with Rajpur P.S. Case No. 308 of 2020.

(Mohit Kumar Shah, J)

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