

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41294 of 2021**

Arising Out of PS. Case No.-42 Year-2021 Thana- JAMHOR District- Aurangabad

CHHOTAN @SANJIT KUMAR MALAKAR Son of Bihari Bhagat @ Bharti
Bhagat Resident of village - Jamhor, P.S.- Jamhor, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Nityanand

**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 Jamhor P.S. Case No. 42/2021, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 291 liters of illicit country made liquor from the bushes situated near the river bank. It is alleged that the petitioner and one other co-accused person were trying to flee away on their motorcycle, upon seeing the police.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 27.3.2021. The learned counsel for the petitioner has further submitted that the co-accused person has already been granted bail by a coordinate Bench of this Court. It is further submitted that neither the place from where the illicit liquor has been recovered nor the motorcycle in question belongs to the petitioner.

Per contra, 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 learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither the place from where the illicit liquor has been recovered belongs to the petitioner nor any illicit liquor has been recovered from the conscious possession of the petitioner, I deem it



fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II, cum Special Judge Excise, Aurangabad (Bihar) in connection with Jamhor P.S. Case No. 42/2021.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

