

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42009 of 2021

Arising Out of PS. Case No.-235 Year-2021 Thana- SHERGHATI District- Gaya

1. SHANKAR CHAUDHARY Son of Raja Ram Chaudhary Resident of Village - Dhaniya Bagicha, P.S. - Delha, District - Gaya.
2. RAJ CHAUDHARY Son of Late Sunil Chaudhary @ Sunil Chaudhari Resident of Village - Dhaniya Bagicha, P.S. - Delha, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2022 Heard.

The petitioners seek regular bail in connection with Sherghati P.S. Case No. 235 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 284.280 liters of illicit liquor and beer cans from a tempo, of which the petitioners are stated to be the driver and khalasi.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 18.04.2021. The learned counsel for the petitioners has referred to paragraph no. 9 of the present petition to submit that neither the tempo belongs to the petitioners nor the illicit liquor recovered by the police, belongs to the petitioners, and they were



merely transporting the consignment, which had been loaded on the said tempo by the owner.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for regular 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 period of incarceration of the petitioners herein, apart from the fact that they are having a clean antecedent, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioners, above named, are directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum- Special Judge, Excise, Gaya in connection with Sherghati P.S. Case No. 235 of 2021.

(Mohit Kumar Shah, J)

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