

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43406 of 2021

Arising Out of PS. Case No.-396 Year-2020 Thana- ATRI District- Gaya

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Dinesh Chauhan S/O Late Charitar Chauhan R/o village- Chauthi Beldari,
P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Adv.
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-02-2022 Heard.

The petitioner seeks regular bail in connection with Atri P.S. Case No. 396 of 2020 registered for the offence punishable under sections 272/ 273 of the Indian Penal Code and Section 30(a)(d) of the Bihar Prohibition and Excise Act, 2018.

The case of the prosecution in brief is that on 1.11.2020, the informant got a secret information that some persons have been engaging in manufacturing illicit liquor at the east side of Payeen Pind of village Chauhi Beldari, where-after the informant along with other police personnel had reached there, however, upon seeing the police personnel, some persons had managed to flee away. There-after, a search was conducted and 15 liters of illicit country made liquor and 1500 liters of Jawa Mahua were recovered from the



spot. On disclosure made by the local village chowkidar, the miscreants, who had fled away, were identified and the petitioner is also alleged to be one of them.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 28.04.2021. The learned counsel for the petitioner has further submitted that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the place from where the illicit liquor has been recovered, belongs to the petitioner. It is further submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 08.10.2021 passed in Cr. Misc. No. 27812 of 2021.

Per contra, Ms. Anita Kumari Singh, 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 parties and taking into account the materials available on record as also considering the fact that no illicit



liquor has been recovered either from the conscious possession of the petitioner or from his house and moreover, one similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Addl. Sessions Judge-II-cum- Special Judge, Excise Act, Gaya in connection with Atri P.S. Case No. 396 of 2020.

(Mohit Kumar Shah, J)

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