

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45544 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- KHAGAUL District- Patna

CHHOTU KUMAR Son of Sanjay Paswan R/o Rampur Gari Khana, P.S.-
Khagaul, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 29-01-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016 .

As per the prosecution case, on the police personnel reaching the place of occurrence it is stated that two persons leaving their sacks managed to escape. A total of 59.915 litres of liquor was recovered and the people nearby disclosed the identity of the two accused which included the petitioner herein.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the petitioner's possession nor was he arrested at the spot. He has been falsely implicated in the case because of his antecedent. He is in custody since 18.3.2021 and chargesheet has been submitted in the case.



The application for bail is opposed by learned APP for the State who submits that one of the five antecedents mentioned by the learned trial court in the order rejecting the application for bail of the petitioner has not been mentioned by the petitioner in paragraph no. 3 of the petition.

In response it is submitted by learned counsel for the petitioner that the same is a typographical error and the cases having been mentioned in the order of the learned trial court, there was no question of suppressing the same.

Having heard learned counsel for the parties and taking into consideration the facts of the case including the petitioner not having been arrested at the spot and having remained in custody for more than 10 months, the petitioner is directed to be enlarged on bail in connection with Special Case no. 391 of 2021 (arising out of Khagaul P.S. Case no. 13 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna.

(Partha Sarthy, J)

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