

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47341 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- AMAUR District- Purnia

VIJAY KUMAR CHOUHAN Son of Nunu Ram Chouhan Resident of village
- Baghwa Kola, Ward No. 5, P.S. Amour, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Ms.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel for the petitioner and

Ms. Anita Kumari Singh, the learned APP for the State.

The petitioner seeks regular bail in connection
with Amour PS case no. 57 of 2020 instituted for the offences
punishable under Sections 272, 273 of Indian Penal Code and
30(a) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 116
liters of illicit liquor from the house of the petitioner.

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 24.12.2020. The learned counsel for the petitioner has
further submitted that the house in question is in joint
possession of the petitioner and his step-brother and the fact is



that the petitioner is not living in the said house, however petitioner's name has transpired in the present case upon allegation having been made against him by his cousin brother regarding him having complicity in trading of illicit liquor, after the said cousin brother of the petitioner was arrested by the police and was interrogated. Lastly, it is submitted that the petitioner is accused in one other case but he is on bail in the said case.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and moreover, the petitioner has not been arrested from the spot, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of 2nd Additional Sessions



Judge-cum-Special Judge (Excise), Purnea in connection with
Amour PS case no. 57 of 2020.

(Mohit Kumar Shah, J)

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