

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47534 of 2021

Arising Out of PS. Case No.-290 Year-2021 Thana- EKMA District- Saran

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SHANI @ JITENDRA CHOUDHARY @ JITENDRA KUMAR
CHOUDHARY Son of Late Anvati Choudhary Resident of Village- Parsa
Garh, P.S.- Ekma, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 19.07.2021 seeks
regular bail in connection with Ekma P.S. Case No. 290 of 2021
registered for offence punishable under Section 30(a), 41(i)(ii)
of the Bihar Prohibition and Excise Act, 2018.

Prosecution case in brief is that altogether 160 litres
of illicit liquor was recovered from behind the house of the
petitioner by patrolling party of Ekma Police Station.

Learned counsel appearing on behalf of the petitioner



submits that just because one another case relating to excise registered for offence punishable under Excise Act being Ekma P.S. Case No. 100 of 2020 the petitioner has been roped in the present case. It transpires from the seizure list that nothing has been recovered from the conscious possession of the petitioner and being innocent the petitioner is in custody since 19.07.2021.

Learned A.P.P. has opposed the prayer for bail.

Considering the facts and circumstances of the case as well as there is no allegation of tampering the evidence or influencing the witness against the petitioner, the petitioner above named is directed to be enlarged to bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Saran at Chapra in connection with Ekma P.S. Case No. 290 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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