

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48527 of 2021

Arising Out of PS. Case No.-39 Year-2021 Thana- BARUN District- Aurangabad

MANOJ CHOUDHARY Son of Late Ram Charitar Choudhary @ Charitar Choudhary Resident of Village - Keshav Bazar, (Bhuiyan Toli), P.S.- Barun, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel appearing for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Barun P.S. Case No. 39 of 2021 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 485.470 litres of illicit liquor from a pick up van and a tempo. It is further alleged that one co-accused person namely, Golu Kumar Singh was arrested from the spot and he is stated to have disclosed the name of the petitioner to be his accomplice.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 05.04.2021. It is further submitted that though the petitioner is an accused in one other case but he is on bail in the said case. Lastly, it is submitted by referring



to paragraph no. 6 of the present petition that neither the petitioner was present at the spot nor any illicit liquor has been recovered from his conscious possession nor the vehicle in question from which the illicit liquor has been recovered, belongs to the petitioner.

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 petitioner and taking into account the materials available on record as also considering the fact that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the vehicle in question belongs to the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise, Aurangabad in connection with Barun P.S. Case No. 39 of 2021.

(Mohit Kumar Shah, J)

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