

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50523 of 2021

Arising Out of PS. Case No.-299 Year-2021 Thana- SHERGHATI District- Gaya

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ASHOK CHAUDHARY Son of Indra Chaudhary @ Shiva Chaudhary
Resident of Village - Aurwadohar Pasiyatola, P.S.- Dobhi, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-04-2022 Heard Mr. Praveen Kumar, learned counsel for

the petitioner and Mr. Parmanand Kumar, learned

Additional Public Prosecutor appearing for the State

through video conferencing.

Petitioner seeks regular bail in connection with

Sherghati (Dobhi) P.S. Case No. 299/2021 registered for the

offence punishable under Section 30(A) of the Bihar

Prohibition and Excise Act, 2016.

The allegation, as per the First Information

Report, is that 5 litres of *Mahua* liquor has been recovered

from the house of the petitioner.

Learned counsel for the petitioner submits that the

petitioner has falsely been implicated in this case with



oblique motive and no illicit liquor has been recovered from his conscious possession. Learned counsel further submits that the house from where the illicit *Mahua* liquor has been recovered, does not belong to the petitioner and at the time of search and seizure the procedure prescribed under Section 100 Cr. P.C. has not been followed by the Police. The petitioner is in custody since 14.7.2021 and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that neither the illicit *Mahua* liquor has been recovered from possession of the petitioner nor the house from where the illicit liquor has been recovered belongs to him, the petitioner is in custody since 14.7.2021, charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge-II cum Special Judge, Excise, Gaya, in
connection with Sherghati (Dobhi) P.S. Case No. 299/2021.

(Anil Kumar Sinha, J)

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