

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 48294 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

=====

GHURAN CHOUPAL, Son of Late Paltu Choupal, Resident of Village -
Paro, P.S. - Kusheshwar Asthan, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kusheshwar Asthan P.S. Case No. 141 of 2022
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret
information about petitioner getting unloaded a consignment of
illicit liquor from a pick-up-vehicle and keeping it in his house.
A raid was conducted and the petitioner was apprehended.
Recovery of 1168.20 liters of liquor was made from the pick-up-

van and from the house of the petitioner, 43.5 liters of India made foreign liquor was recovered. The petitioner named his nephew and seven unknown persons who brought the consignment and asked him to keep it in the house.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern either with the seized liquor or with the pick-up-van from which it was being unloaded. It is clear from the F.I.R. that the petitioner was keeping the consignment in his house at the request of his nephew and otherwise he has no role in the whole occurrence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner who is an old man aged about 65 years and suffering from several ailments. Charge sheet has been submitted in this case and the petitioner is in custody since 23.04.2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the

petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-II, Excise Act, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 141 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/daya

U		T	
---	--	---	--