

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61321 of 2021

Arising Out of PS. Case No.-305 Year-2020 Thana- BARAUNI District- Begusarai

CHHOTU KUMAR @ CHHOTU @ MALI Son of Badri Singh Resident of
Village - Pali Dih, Ward No.09, P.S.- Bhagwanpur (Tiyay O.P.), Distt.-
Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Barauni PS case no. 305 of 2020 instituted for the offences
punishable under Sections 30(a), 41(1)(2) of Bihar Prohibition and
Excise Act (Amendment), 2018.

The allegation is regarding recovery of 92.880
liters of illicit foreign liquor from the house of the co-accused
person namely Viresh Kumar and upon interrogation, the said co-
accused person is stated to have disclosed about the complicity of
the petitioner in the illicit trade of liquor.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case, is having a clean antecedent and is



languishing in custody since 03.08.2021. The learned counsel for the petitioner has further submitted that neither the petitioner has been arrested from the house in question nor any illicit liquor has been recovered from the conscious possession of 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 parties and taking into account the materials available on record as also considering the fact that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor from his house, apart from the fact that the petitioner is having a clean antecedent, 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 A.D.J. II-cum-Special Judge, Excise Act, Begusarai in connection with Barauni PS case no. 305 of 2020.

(Mohit Kumar Shah, J)

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