

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62168 of 2021

Arising Out of PS. Case No.-171 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. NITESH CHAUDHARY @ NITISH CHAUDHARY Son of Shashibhushan Chaudhary Resident of Village- Srirampur, P.S.- Hazipur, District- Vaishali.
 2. Dilip Tiwari Son of Nagendra Tiwari Resident of Village- Balha Ward No.08, P.S.- Baikunthpur, District- Gopalganj.
 3. Raushan Kumar Son of Madhav Prasad Thakur Resident of Gop, Ward No.16, P.S.- Kudhni, District- Muzaffarpur.
 4. Sanjeet Kumar Singh Son of Radhe Singh Resident of Naura, Wajitpur, Ward No.06, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Raj, Advocate

For the Opposite Party/s : Mr.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-03-2022 Heard the learned counsel for the petitioners and
the learned APP for the State.

The petitioners seek regular bail in connection
with C 1 case no. 171 of 2021 instituted for the offences
punishable under Sections 30(a) and 56(b) of Bihar
Prohibition and Excise Act.

The allegation is regarding recovery of 665
liters of illicit Sushav from the bus in question which was
intercepted by the police and search was made. The
petitioners are stated to be driver, co-driver, cleaner and co-



cleaner of the bus in question.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 24.09.2021. The learned counsel for the petitioners has further submitted that they are not the owners of the bus in question and the illicit Sushav has been recovered from inside the bus and not from the cabin of the driver, hence the petitioners are not having any complicity in the matter since the same could be belonging to the passengers.

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 the possibility of the said illicit Sushav belonging to the passengers cannot be ruled out apart from the fact that the petitioners are not the owner of the bus, are having clean antecedent and are languishing in custody since about 06 months, 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 Special Judge, Excise, Purnia in connection with C 1 case no. 171 of 2021.

(Mohit Kumar Shah, J)

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