

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 63397 of 2021**

Arising Out of PS. Case No.-12 Year-2021 Thana- ITARHI District- Buxar

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PHULAN CHOUDHARY @ PHULAN CHOUDHARI Son of Yamuna
Choudhary Resident of Village - Gosaisidihara, P.S. Dhansoi, District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Satyapal Singh, Advocate
For the Opposite Party/s : Mr Jagdhar Prasad, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Itarhi Police Station (for
brevity, *PS*) Case No 12 of 2021 registered for the offence
punishable under Section 30 (a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

129.600 liters of illicit liquor was recovered from the
house of co-accused Satyendra Choudhary and 624.500 liters of
illicit liquor has been recovered from the pick up van from
where co-accused Manoj Kumar Maurya and Md Sabu have
been arrested.

Learned counsel for the petitioner submits that merely



because his motorcycle was found parked near the place of recovery, the petitioner has been implicated in this case on account of his antecedents. There are two cases pending against the petitioner since before. He is in custody in connection with this case since 03.04.2021. Even, as per prosecution case, there is no recovery from his possession or his motorcycle. He further submits that investigation is complete.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody, the fact that the prosecution does not allege any recovery from the petitioner or from his motorcycle and the fact that the investigation is complete, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, Buxar in Itarhi PS Case No 12 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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