

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53572 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- BUNIYAD GANJ District- Gaya

Shravan Kumar Chaudhary @ Biru Chaudhary @ Shravan Kumar S/O
Nathun Chaudhari Resident of village- Alipur, P.S.- Buniyadganj, District-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Buniyadganj
P.S. Case No. 78 of 2022 registered for the offence under Section
30(a) (b) (c) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.07.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 15 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of alleged illicit liquor was made from
the bank of Falgu river, where name of petitioner surfaced on the



basis of police spy and admittedly, no incriminating material/illicit liquor was recovered from conscious physical possession of this petitioner. It is further pointed out that seizure list appears disputed being not supported by independent witnesses, rather by police constable. It is also submitted that petitioner involved in four more criminal cases in which he is on bail. While concluding the argument, it has been submitted that investigation of this case has been completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from an open place coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Buniyadganj P.S. Case No. 78 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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