

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64827 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- ATRI District- Gaya

MITHLESH CHAUDHARY Son of Kailu Chaudhary R/o Village - Belsar,
P.S.- Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-06-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Atri PS case no. 11 of 2021 instituted for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

The allegation is regarding the police personnel
having chased a person fleeing away with a gallon in his hand,
however the said person managed to escape after throwing the gallon.
On search, it was found that the gallon contained 10 liters of
countrymade wine and upon inquiry made from the local farmers
working in the field, it transpired that the person who had fled away,
is the petitioner herein.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the



present case and is languishing in custody since 04.08.2021. The learned counsel for the petitioner has further submitted that neither the petitioner was arrested from the spot nor any illicit liquor was recovered from his conscious possession and he has been implicated in the present case merely because he is an accused in similar types of cases.

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 period of incarceration of the petitioner herein as also the fact that neither the petitioner was arrested from the spot nor any illicit liquor has been recovered from his conscious possession, 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 Additional Sessions Judge II-cum-Special Judge, Excise Act, Gaya in connection with Atri PS case no. 11 of 2021.

(Mohit Kumar Shah, J)

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