

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29800 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- JOGAPATTI District- West Champaran

Shivnath Chaudhary Son Of Late Ratan Chaudhary Resident of Village -
Sisiwa Sareya, Police Station - Bairiya, District - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahasweta Chatterjee, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-05-2023 **1.** Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Jogapatti P.S. Case No. 51 of 2023 dated 07.02.2023
registered for the offences punishable under Sections 414,
272 and 273 of the Indian Penal Code and Section 30(a) of
Bihar Prohibition and Excise Act.

3. The main submissions advanced by learned
counsel for the petitioner are that the instant matter relates
to the recovery of 40 litres of *country made illicit liquor* and
the same is stated to have been recovered from two
motorcycles and the petitioner has concern to the recovery
of only 10 litres of the alleged liquor and as per the



allegation, the petitioner was found with the said liquor riding on a motorcycle but in actual, he has been falsely roped in this case mainly on suspicion and on the alleged date and time of his arrest, the petitioner, who is a fisherman by profession, was going to market in respect of his job. Further submissions are that no independent witness has been examined by the police and witnesses in the case diary are police personnel and the petitioner has been languishing in jail since 08.02.2023 and against him, the investigation has been completed, though against him there are criminal antecedents of two cases out of which, in one case the police has submitted the final form and in the second case he has got bail.

4. Per Contra, the learned APP for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record and also the completion of investigation against the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.



6. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Jogapatti P.S. Case No. 51 of 2023.

(Shailendra Singh, J)

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