

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51450 of 2023

Arising Out of PS. Case No.-488 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Rajan Choudhary Son Of Shivdayal Chaudhary Resident Of Village
-DHARHARA, Ps- Ara Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner prayed for regular bail in connection with Mohania P.S. Case no. 488 of 2023 instituted for the offence under Section 30(a), 47 of the Bihar Prohibition and Excise Act.

As per prosecution case, the petitioner along with a pickup van was apprehended on the spot and from the alleged vehicle total 152.28 liters illegal liquor was recovered and the petitioner is alleged to be driver of the vehicle.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has



committed no offence. He has falsely been implicated in this present case. He has got no criminal antecedent. The petitioner has no concern with the alleged recovery nor vehicle in question belongs to him. It is further submitted that nothing incriminating article has been recovered from his conscious possession and Section 100 of the Cr.P.C. has not been followed while preparing the seizure list. The petitioner is languishing in judicial custody since 14.07.2023.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

The petitioner being driver of the alleged pickup van is directed to deposit a sum of Rs 5,000/- (Five Thousand) in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mohania P.S. Case No. 488 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise No-1-cum A.D.J.-IV, Kaimur at Bhabhua.



The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of Rs. 5,000/- (Rs. Five thousand) by the petitioner in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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