

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58906 of 2023

Arising Out of PS. Case No.-118 Year-2023 Thana- BIHIA District- Bhojpur

Vijay Kumar Chaudhary S/O Hiralal Chaudhary Village- Mishrauli, Ps-
Bihiya, Dist- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Adv.
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, the total recovery of 60 litre illicit liquor has been made from a motorcycle bearing Registration No. BR-03AJ-7787, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the name of the petitioner has not figured in this case rather he became accused by virtue of being owner of the motorcycle from which the alleged recovery has been made. Counsel submits that the petitioner has provided his motorcycle to his

brother-in-law and on his instance, this criminal case has been lodged.

5. Learned counsel for the petitioner further submits that there is one criminal case pending against the petitioner under the Excise Act, in which he is on bail. Counsel further submits that the petitioner is a farmer and agricultural season is going on and if he shall be in custody, his entire agriculture shall be destroyed.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean.

7. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks' from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1st, Bhojpur, Ara, in connection with Bihiya P.S. Case No. 118 of 2023, dated 08.05.2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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