

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70187 of 2022**

Arising Out of PS. Case No.-119 Year-2021 Thana- KUTUMBA District- Aurangabad

VIKASH KUMAR CHAUHAN Son of Suraj Chauhan R/V- Basti Kola,
Chauhan Basti, Near Devi Mandir, Vira, P.S- Duriya, Dist- Dhanbad
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh,Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan,APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 09-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Kutumba P.S. Case No.119 of 2021/ G.R. No.867 of 2021, registered for the offence punishable under Sections 30(a) of the Bihar Excise & Prohibition (Amendment) Act, 2018.

The allegation is regarding recovery of 75.09 litres of illicit country made liquor from a motorcycle, of which the petitioner is stated to be the owner.

The learned counsel for the petitioner has submitted that the petitioner is



innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 12.09.2022. The learned counsel for the petitioner has further submitted that the motorcycle in question, was being driven by one co-accused, namely, Romi Kumar, whom the petitioner had given the motorcycle for some urgent work. It is further submitted that only since the petitioner happens to be owner of the motorcycle in question, he has been falsely implicated in the present case.

Per contra, the learned APP 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 petitioner and taking into account the materials on record as also considering the fact that neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the petitioner has been arrested from the spot, I deem it fit and proper to direct for release of the petitioner on



regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-Ist, Aurangabad, in connection with Kutumba P.S. Case No.119 of 2021/ G.R. No.867 of 2021.

(Mohit Kumar Shah, J)

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