

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70009 of 2022

Arising Out of PS. Case No.-322 Year-2022 Thana- BARUN District- Aurangabad

SHANKAR CHOUDHARY S/o Late Nanhak Choudhary R/o Village-
Dhamani Gola, P.S.- Barun, Distt- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey,Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin,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 Barun P.S. Case No.322 of 2022, registered for the offence punishable under Section 30 (a)(c) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 151 litres of illicit liquor and 800kg of Mahua flower from the river bank and the petitioner has been identified by the *chowkidar* to be the person, who along with other co-accused persons had fled away upon seeing the police force.

The learned counsel for the petitioner



has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 02.10.2022. The learned counsel for the petitioner has further submitted that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the place in question, from where the same has been recovered, belongs to the petitioner.

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 the illicit liquor has been recovered from the conscious possession of the petitioner nor the place in question, from where the same has been recovered, belongs to the petitioner, 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-I, Aurangabad in connection with Barun P.S. Case No.322 of 2022.

(Mohit Kumar Shah, J)

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