

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74068 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- BUNIYAD GANJ District- Gaya

JITENDRA CHAUDHARY S/o Binda Chaudhary R/v- Alipur (Gangti), P.S.-
Buniyadganj, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Sinha

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Buniyadganj P.S. Case No. 79 of 2022, registered for the offence punishable under Section 30(a)(b)(c) of the Bihar Prohibition and Excise Amendment Act, 2018.

The allegation is regarding recovery of 10 liters of illicit country made liquor and 80 kg. of jawa mahua flower from the river bank situated near a *Kabristan* and later on, it transpired that the petitioner is also having complicity in the alleged occurrence.



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 13.9.2022. The learned counsel for the petitioner has further submitted that the petitioner has been falsely made an accused in the present case merely on account of his bad antecedent, however, the fact is that neither he has been arrested from the spot nor any illicit liquor has been recovered from his conscious possession nor the place from where the illicit liquor 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 available on record as also considering the fact that neither the petitioner has been arrested from the spot nor any illicit liquor has been



recovered from his conscious possession, 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 Exclusive Special Excise Court No. 1, Gaya in connection with Buniyadganj P.S. Case No. 79 of 2022.

(Mohit Kumar Shah, J)

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