

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10939 of 2024

Arising Out of PS. Case No.-492 Year-2023 Thana- GRIYAK District- Nalanda

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Arun Chaudhary S/O Vishnudev Chaudhary @ Vishundev Chaudhary
Village- Jawahar Chak, PS.Katrisarai, Dist. Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Giriyak/Katrisarai P.S. Case No. 492 of 2023 instituted for the
offences under Section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

3. As per prosecution case, the police has recovered
10.500 liter English wine from the sack. It is alleged that the
Chaukidar has disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner was not arrested with the illicit
wine. He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The name of the petitioner was disclosed by the local *Chaukidar*. The petitioner has two criminal antecedents as has been stated in paragraph no.3 of the present bail application but, in both of them, he is on bail. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no concern with the seized liquor. The petitioner is languishing in judicial custody since 28.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Giriyak/Katrisarai P.S. Case No. 492 of 2023.

(Rudra Prakash Mishra, J)

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