

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14796 of 2024

Arising Out of PS. Case No.-405 Year-2021 Thana- ATRI District- Gaya

Sanjay Chaudhary Son of Late Gore Chaudhary Resident of Village- Belsar,
P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

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

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Atri P.S. Case No. 405 of 2021, instituted for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a)(d) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 1200 liters solution of mahua was recovered from open place in *badhar*.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. The alleged recovery was



made from an open place which is accessible to everyone. The petitioner is in custody since 14.01.2024 and has got one criminal antecedent in which he is on bail. There is no compliance of Section 100 of Cr.P.C.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released 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 Court below/concerned Court in connection with Atri P.S. Case No. 405 of 2021.

(Rudra Prakash Mishra, J)

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