

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28762 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- BARBIGHA District- Sheikhpura

Binay Chaudhary @ Vinay Chaudhary S/O Late Charitra Choudhury R/O
Village/Mohalla- Kajifatuchak, P.S- Barbigha, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

2 10-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner is permitted to
remove defects as pointed out by the Office during course of the
day.

3. The petitioner seeks bail in Barbigha (Keoti O.P.)
P.S. Case No. 10 of 2024, instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The prosecution case, in short, is that, 09 liters
liquor was recovered from poonj of paddy.

5. Learned counsel for the petitioner submits that the
petitioner is innocent and 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. It is further submitted that the alleged recovery has been made from an open place which is easily accessible to everyone. The petitioner was not apprehended on spot, rather name of the petitioner has transpired on the basis of disclosure made by local people. The petitioner is in custody since 17.01.2024 and has got two criminal antecedents in which the petitioner is on bail in one case as mentioned in the Supplementary Affidavit. There is no compliance of Section 100 of Cr.P.C.

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

7. 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.

8. 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 Barbigha (Keoti O.P.) P.S. Case No. 10 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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