

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5629 of 2025

Arising Out of PS. Case No.-1301 Year-2024 Thana- Excise P.S. District- Gaya

Kamlesh Chaudhary, aged about 42 years (Male), Son of Kuleshar Chaudhary, R/O Village- Kendua, PS -MMCH, Dist- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-02-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Excise P.S. Case No. 1301 of 2024 dated 05.12.2024 registered for the offences punishable under Sections 30(a) and 45 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 120 litres of illicit liquor is said to have been recovered from the house of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. No incriminating article has been recovered from his possession. The alleged recovery of illegal liquor is said to



have been recovered from the house of the petitioner and the police has implicated him in the present case but the said house is a joint property in which many family members used to reside. There is no compliance of Section 100 of the Cr.P.C. The petitioner is a daily wager and sole bread earner of his family. He has no concern with the alleged offence. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 06.12.2024.

5. Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court No.-3, Gaya in connection with Excise P.S. Case No. 1301 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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