

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20713 of 2017

Arising Out of PS.Case No. -20 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
VAISHALI(HAJIPUR)

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1. Binda Choudhary Son of late Anand Lal Choudhary Resident of Village:
Karnpura, P.S. Gangabridge, District- Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-05-2017 The petitioner is in custody since 02.02.2017 in connection with C-2A Case No. 20 of 2017, registered for offences punishable under Sections 30(A) and 35(A) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner is of recovery of one bottle of foreign liquor containing 180 M.L. of liquor.

It has been submitted on behalf of the petitioner that he has falsely been implicated in this case. Further only one 180 M.L. of foreign liquor has been recovered and further on the disclosure of petitioner, 246 litres of foreign liquor was recovered from the house of one Raginee Kumari and the said Raginee Kumari has already been granted by this Court vide order dated 17.03.2017, passed in Criminal Miscellaneous No. 11637 of 2017. Further petitioner has no criminal antecedent and has been in



custody since 02.02.2017.

Learned counsel for the State opposed the prayer for bail and submitted that apart from the above recover of 180 M.L. of foreign liquor further on the disclosure of petitioner, 246 litres of foreign liquor was recovered and that too belonged to the petitioner as he has kept the said liquors in the house of co-accused, Raginee Kumari, as such, petitioner does not deserve the privilege of regular bail.

Having heard both sides, considering the facts and circumstances of the case and in view of the allegation made in the F.I.R, I am not inclined to grant the petitioner the privilege of regular bail, at this stage.

However, petitioner may renew his prayer for bail in the court below itself after completion of six months in the judicial custody and if any such application is filed, the court below after verifying the fact that petitioner has remained in custody for six months, shall release the petitioner on bail.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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