

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46021 of 2018**

Arising Out of PS.Case No. -159 Year- 2018 Thana -KANTITHARMAL POWER District -  
MUZAFFARPUR

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1. Vikash Kumar, Son of Dinesh Chaudhary, Resident of Village- Dewaha,  
P.S.- Kanti, District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Suresh Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**  
**ORAL ORDER**

02    30-07-2018                      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Section 30(a)/38/41 of the Bihar Prohibition and Excise Act, 2016.

One loaded country made pistol is said to have been recovered from the possession of Jyoti Chaudhary and 175 liters of foreign liquor was recovered from his kitchen room, bedroom and from the vehicles parked in his house. Petitioner and one other accused, namely, Rishikes @ Mohan Chaudhary who is said to have arrived there to purchase the liquor were apprehended.

It is submitted by learned counsel for the petitioner that no



incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the seized article. He happens to be elder brother of Jyoti Chaudhary and he has no concern with his affairs or any trade of liquor. He was apprehended from his own room located in the said house. The house of the petitioner is a joint family house and he had no knowledge of keeping of the aforesaid liquor in the house by said Jyoti Chaudhary. He has no criminal antecedent and has been languishing in custody since 07.06.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Muzaffarpur in connection with Kanti P.S. Case No.159 of 2018.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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