

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16044 of 2018

Arising Out of PS. Case No.-283 Year-2017 Thana- DURAULI District- Siwan

Devendra Chaudhary @ Devendra Yadav, S/o Pyar Chaudhary R/o Village-Dumarahar Khurd, P.S. Darauli, District-Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari

For the Opposite Party/s : Smt. Reena Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 21-03-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Darauli P.S. Case no. 283 of 2017 registered for the offence punishable under Sections 273, 273, 308/34 of the Indian Penal Code and Sections 30(a), 37(c), 38(i), 41(i) of Bihar Excise and Prohibition Act-2016.

15 lts. of country made liquor is said to have been recovered at the door of the petitioner while 40 lts. of country made liquor, 125 Kg. of Mahua and 100 Kg. of jaggery are said to have been recovered from the joint house of the petitioner and other accused persons and petitioner was apprehended.

It is submitted by learned counsel for the petitioner that no



incriminating article has been recovered from his conscious physical possession. Petitioner has no concern from the place of occurrence, where 15 lts. of country made liquor is said to have been recovered. While the house from where 40 lts. of country made liquor, 125 Kg. Mahua and 100 kg. jaggery are said to have been recovered is the joint house of the petitioner and is inhabited by several family members of the petitioner. Moreover, there is discrepancy in the FIR and seizure list. As per the seizure list, the aforesaid articles are said to have been recovered from the bush located in the rear side of the house of the petitioner. Though, two criminal cases have been lodged against the petitioner, but he is on bail in the said case. He has been languishing in custody since 01.01.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Siwan in connection with Darauli P.S. Case no. 283 of 2017.

(Prakash Chandra Jaiswal, J)

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