

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41023 of 2018

Arising Out of PS. Case No.-145 Year-2018 Thana- CHAURADANO District- East
Champaran

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Bhairow Lal Rai @ Bhairo Lal Ray S/o Late Laxman Rai, R/o Vill.- Pach
Pokharia, P.S.- Mahuawa, District- E. Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap (APP)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is in custody since 28.05.2018 in
connection with Chhauradano (Mahuawa) P.S. Case No. 145 of
2018, registered for the offence punishable under Sections 272,
273 of the I.P.C and Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioner submits that in the
instant case total 81 liters liquor was seized. Learned counsel for
the petitioner submits that in two cases petitioner was acquitted
after trial i.e. Mahuawa P.S. case No. 7 of 1997 and
Chhauradano (Mahuawa) P.S. case No. 74 of 2004. He submits
that in other two cases he was not made accused and no charge-



sheet has been submitted against this petitioner. He submitted that the learned Court below has wrongly mentioned that these cases are pending against the petitioner.

In view of the aforesaid the learned Court below is directed to verify the claim of the petitioner and if it found that the petitioner was acquitted in Mahuawa P.S. case No. 7 of 1997 and Chhauradano (Mahuawa) P.S. case No. 74 of 2004 and he was not made accused in Chhauradano (Mahuawa) P.S. case No. 61 of 2017 and Chhauradano (Mahuawa) P.S. case No.108 of 2017 the Court below is directed to release the petitioner on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Special Judge, Excise, East Champaran, Motihari in connection with Mahuawa (Chhauradano) P.S. Case No. 145 of 2018.

(Anil Kumar Upadhyay, J)

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