

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58010 of 2018

Arising Out of PS. Case No.-426 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Ashok Chaudhary Son of Late Chandradeo Chaudhary Residence of Village -
Berwash, Police Station - Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Complaint
Case no. C-2/426 of 2018 for offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the Excise
officials, is that during search 40 litres of country-made wine
and 400kg Mahua was recovered near the thatched hut of the
petitioner in a Baswari.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and
nothing has been recovered from his conscious possession. He
submits that the excise officials while taking out Java Mahua



from the plastic bags, which was put under the earth, some packets were torn and as such the exact amount could not be quantified. He submits that the petitioner is in custody since 15.08.2018.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and that petitioner has no criminal antecedent, let petitioner, above named, 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 learned A. D. J. IInd cum Special Judge Excise Act, Sitamarhi, in connection with Complaint Case no. C-2/426 of 2018, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/Pragya

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