

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62042 of 2018

Arising Out of PS. Case No.-153 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Chhote Choudhary Son of late Jagdish Choudhary Resident of Fatuha, P.S.
Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Opposite Party/s : Mr. Sri Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-10-2018 Heard learned counsel for the parties.

The petitioner seeks bail in Special Case No. 7334 of 2018 arising out of P.R. No. 153 of 2018, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

From the petitioner's possession, allegedly 20 litres of toddy was recovered by the Police.

Learned counsel appearing on behalf of the petitioner has submitted that the case of the prosecution cannot be believed, since the seizure list was prepared in the absence of local and independent witnesses without complying with mandatory requirement of Section 100 of the Code of Criminal Procedure. He further submits that if he is again implicated in



similar type of offence, the Court may consider the cancellation of his bail, if allowed in the present case.

Considering the amount of toddy allegedly recovered and the statement made in paragraph 3 of the application, that the petitioner has no criminal antecedents, this application is allowed.

Let the petitioner, Chhote Chaudhary, be released 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, Patna in Special Case No. 7334 of 2018 arising out of P.R. No. 153 of 2018.

(Chakradhari Sharan Singh, J)

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