

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7698 of 2019

Arising Out of PS. Case No.-248 Year-2018 Thana- MAHESI District- East Champaran

Rajendra Chaudhary, Son of Late Sitaram Choudhary, Resident of Village-
Harpur Nag, Police Satation- Maheshi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra

For the Opposite Party/s : Mr.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 11.11.2018 in a case registered for the offences punishable under Sections 30, 38 and 37(d) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case got initiated on a written report submitted by the S.I. cum S.H.O. of the Mehshi Police Station is to the effect that on 20.07.2018, the informant received a secret information to the effect that co-accused Babita Devi, Bimla Devi and petitioner, Rajendra Chaudhary are preparing country made illicit liquor, whereupon a raid was laid and one Dinesh Kumar was apprehended and from the bush behind the house of the petitioner, two litres of illicit country made liquor were



recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the bush behind the house of the petitioner.

Considering the fact that the prosecution case does not suggest recovery from conscious physical possession of the petitioner, quantity of recovery and the period under custody, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned VIIth Additional Sessions Judge -cum- Special Judge, Excise, East Champaran, Motihari in connection with Mahesi P.S. Case No. 248 of 2018.

(Dinesh Kumar Singh, J)

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