

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12552 of 2019

Arising Out of PS. Case No.-322 Year-2018 Thana- WAJIRGANJ District- Gaya

RAJ KUMAR CHOUDHARY Son of Late Panchu Choudhary Resident of
Village-Tarwan, Police Station- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 27.11.2018 in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a) (c) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from the house of the petitioner, 10 litres of country made liquor along with the material used for preparing the illicit liquor were recovered.

It is submitted by learned counsel for the petitioner that admittedly the recovery has not been made from the conscious physical possession of the petitioner, rather it has been made from the joint family house of the petitioner. It is further submitted that the investigation has already been



concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the house of the petitioner.

Considering the quantity of recovery, the period under custody and in view the fact that there is nothing on record to suggest that the sample of seized material has been transmitted to FSL for its chemical examination coupled with statement made in paragraph no.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 Special Judge, Excise Act, Gaya in connection with Wazirganj P.S. Case No.322 of 2018.

(Dinesh Kumar Singh, J)

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