

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12916 of 2019

Arising Out of PS. Case No.-458 Year-2018 Thana- BIHTA District- Patna

RAMESH CHAUDHARI Son of Late Kalshi Chaudhari Resident of Village-
Taregana, Police Station - Bihta, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Adv.

For the Opposite Party/s : Mr.Parmanand Kumar, APP

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 10.01.2019 in a case registered for the offences punishable under Section 30(a), 37(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case got initiated on the basis of written report dated 03.05.2018 submitted by Ranjeet Kumar Singh, Inspector-cum-Station House Officer, Bihta Police Station to the Special Judge, Excise Patna is to the effect that on the same day at 8.15 A.M. after having received a secret information that some people are preparing and selling the illicit liquor near the embankment of river Sone, a raid was laid and on seeing the police, other accused persons escaped from the scene, but one of them was apprehended who disclosed his



name as Ramesh Chaudhary, the petitioner. During frisking, from the place of seizure, 330 litres of country made 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 the seizure has been made from the embankment of the river Sone. It is further submitted that the FIR also does not reflect that the sample of the seized material has been sent for its chemical examination to the FSL. 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 prosecution case suggests that the petitioner escaped from the scene on arrival of the police.

Considering the fact that the seizure of said liquor has been made from the embankment of the river Sone and the petitioner was not apprehended at the spot, 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,
Patna in connection with Special Case No. 4211 of 2018, arising
out of Bihta P.S. Case No. 458 of 2018.

(Dinesh Kumar Singh, J)

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