

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11033 of 2019

Arising Out of PS. Case No.-345 Year-2018 Thana- BIHIA District- Bhojpur

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GOLU CHOUDHARY Son of Uday Chanda Chaudhary @ Lutush Choudhari
Resident of Village- Ganj, P.S.- Bihayan, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 11.1.2019 in a case registered for the offences punishable under Sections 30(a)(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on a secret information, the house of co-accused Uma Shanker Paswan was raided on 8.9.2018, leading to recovery of 207.720 litres of Indian made foreign liquor. It is further alleged that two persons escaped from the scene and the chowkidar disclosed the name of the petitioner and co-accused Uma Shankar Paswan as persons who escaped from the place of seizure.

It is submitted by learned counsel for the petitioner that recovery has not been made from conscious physical possession of the petitioner. Statement has been made in



paragraph 3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that the co-accused Uma Shankar Paswan from whom the alleged recovery has been made, has been granted bail vide order dated 11.1.2019 passed in Cr. Misc. No.928 of 2019 by a co-ordinate Bench of this Court.

Learned APP submits that the petitioner was identified by the chowkidar.

Considering the fact that there is no recovery from the possession of the petitioner, the period under custody, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and, the co-accused Uma Shankar Paswan from whom, recovery has been made, has been granted bail, let the petitioner above named 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, Bhojpur at Ara in connection with Bihiya P.S. Case No.345 of 2018.

(Dinesh Kumar Singh, J)

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