

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12391 of 2019

Arising Out of PS. Case No.-289 Year-2017 Thana- BALIYA District- Begusarai

=====

PRADEEP KUIMAR CHAUDHARY Son of Umakant Chaudhary @ Uma
Choudhry Resident of Village - Husainichak, P.S.- Balia, Distt - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
11.01.2019 in a case registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that on secret information to the effect
that the liquor is being transported by a motorcycle, a raid was
laid, when two persons were apprehended, who disclosed their
names as Suraj Chaudhary and Bharat Chaudhary. During
frisking, from a carton 11.520 litres of India made foreign liquor
were recovered along with a motorcycle, leading to registration
of FIR against two persons. Subsequently, during enquiry, the
intercepted motorcycle was found registered in the name of the
petitioner.



It is submitted by learned counsel for the petitioner that admittedly neither the petitioner was present at the place of seizure nor any recovery has been made from the conscious physical possession of the petitioner. It is further submitted that the prosecution also does not suggest that the seized material has been sent for its chemical examination to the FSL, though the petitioner is accused in two other cases from before.

Learned APP for the State submits that the motorcycle on which the illicit liquor was being transported was subsequently found registered in the name of the petitioner during investigation.

Considering the period under custody and in view the fact that the prosecution case suggests only two persons were found travelling on the intercepted motorcycle, 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 Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Balia P.S. Case No. 289 of 2017.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

