

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23946 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- DELHA District- Gaya

RAKESH CHOUDHARY, aged about 24 years, Male, Son of Bigan Choudhary Resident of Village- Barki Delha, Paraiya Raod, Bhuintoli, P.S.- Delha, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Veer, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Delha P.S.Case No.10 of 2019 for the offence alleged under Section 30(a) of the Bihar Prohibition & Excise Act, Amended, 2018.

The prosecution case as lodged by the police personnel is that on secret information that near the railway yard in a vacant land under the earth illicit liquor has been concealed, the police conducted a raid and recovered 280 liters of Mahua wine. The name of the petitioner surfaced on the statement of some witnesses as well as the confessional statement of the petitioner before the police. Accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, was not apprehended from the spot, not named in the FIR and during course of investigation, his name surfaced. He further submits that the confessional statement before the police has no evidentiary value in the eye of law and the petitioner is languishing in judicial custody since 07.02.2019.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Delha P.S.Case No.10 of 2019 to the satisfaction of learned Special Judge, Excise, Gaya.

(Nilu Agrawal, J)

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