

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26396 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- TILAUTHU District- Rohtas

NANDU CHAUDHARY Son of Suraj Chaudhary Resident of Village - North
Parti Tilouthu, District – Rohtas..... Petitioner/s

Versus

The State of Bihar..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surender Prasad Singh
For the Opposite Party/s : Mr.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 23-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Tilouthu P.S. Case No. 35 of 2019, registered for the offences punishable under Sections 30 (A) and 34 of Bihar Prohibition and Excise Act, 2016.

305 liters of country made liquor is said to have been recovered from the rear side of the community hall situated adjacent to the bank of Sone river which is said to have been kept by the petitioner and other co-accused persons. Said community hall is in possession of the sons of late Saheb Singh Yadav.

It is submitted by the learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no



concern either with the seized liquor or the place of recovery or any trade of liquor. The identity and genuineness of the source of information has not been mentioned in the written report of the informant. No offence under Excise Act is made out against the petitioner. Sons of the late Saheb Singh have been enlarged on bail by co-ordinate Bench of this Court passed in Criminal Miscellaneous No. 22458 of 2019 vide order dated 09.04.2019.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J II-cum-Special Judge Excise Act, Rohtas, Sasaram in connection with Tilouthu P.S. Case No. 35 of 2019, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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