

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65437 of 2019

Arising Out of PS. Case No.-132 Year-2018 Thana- PIPRAHI District- Sheohar

RAJA BABU CHAUDHARY @ RAJA BABU KUMAR Son of Prabhu
Chaudhary Resident of Village-Ward no.4, Barawa Kharaha, Chainpur, P.S.-
Kundwa Chainpur, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Kumar

For the Opposite Party/s : Mr.Satyadeo Singh Yadav

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-11-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Piprahi P.S. Case No. 132 of 2018 for the offences registered
under Sections 272 and 273 of the Indian Penal Code and Sections
30(a), 38, 41 and 47 of the Bihar Excise Act (Prohibition)
Amendment Act, 2016.

The allegation is regarding the Police having
apprehended a Maruti Omni vehicle from which 474 litres of
illicit Nepali wine was recovered. As far as the petitioner is
concerned, the only allegation is that one co-accused person
namely Sanjay Sah who was arrested at the spot, has confessed
that the said wine was being carried on the instructions of the
petitioner herein and he is engaged in the illicit liquor business.

The learned counsel for the petitioner has submitted that



no offence under the provisions of the Bihar Excise Act (Prohibition) Amendment Act is made out against the petitioner herein inasmuch as neither any recovery has been made from the house of the petitioner nor the vehicle in question belongs to the petitioner and the petitioner has merely been implicated in the present case on the basis of the confessional statement made by the accused person namely Sanjay Sah. The petitioner is stated to be having a fair antecedent except one case in which he is on bail.

Having regard to the facts and circumstances of the case, the petitioner, above named, in the event of his arrest/surrender before the court below within a period of four weeks from today, is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, Excise, Sheohar in connection with Piprahi P.S. Case No. 132 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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