

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2881 of 2020

Arising Out of PS. Case No.-405 Year-2019 Thana- ARWAL District- Jehanabad

1. Sudarshan Chaudhary Son of Nanhak Chaudhary Resident of Village - Madan Singh Ka Tola, P.S.- and Distt - Arwal
2. Bhola Kumar Son of Rajnandan Yadav Resident of Village - Madan Singh Ka Tola, P.S.- and Distt - Arwal
3. Amresh Yadav Son of Parmeshwar Yadav Resident of Village - Madan Singh Ka Tola, P.S.- and Distt - Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 10-06-2020 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Excise Case No. 1336 of 2019, arising out of Arwal P.S. Case No. 405 of 2019, registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 800-1000 litres of Jawa *Mahua* are said to have been recovered from the bank of river Sone and it is alleged that petitioners are manufacturer of liquor.

It is submitted on behalf of petitioners that petitioners are named in the F.I.R. only on the basis of disclosure made by



local chaukidar due to previous enmity, whereas, nothing has been recovered from possession of petitioners. The alleged recovery has been made from a public place. It is further submitted that Section 100 Cr.P.C. has not been followed with respect to search and seizure. Petitioners have no criminal antecedent, as stated in paragraph – 3 of the petition.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioners be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II, Jehanabad in connection with Excise Case No. 1336 of 2019, arising out of Arwal P.S. Case No. 405 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

anay

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

