

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 10451 of 2020

Ram Niwas Chouhan @ Ram Niwas Nonia, aged about 58 years
(Male), S/o Bhuwar Chouhan, Resident of village Tijkara (Tilkara),
Police Station- Rajpur, District BuxarPetitioner

Versus

The State of Bihar

.....Opposite Party

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Appearance

For the Petitioner : Mr. Anil Kumar Roy, Advocate

For the State : Mr. Veena Rani Prasad, APP

CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

2 13.05.2020

Heard learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner who is in custody since 24.12.2019 has filed the instant application for grant of regular bail in connection with Rajpur P.S. Case no. 130 of 2019 registered for offence punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on secret information having been received a raid was conducted on the house of the petitioner and a total quantity of 136.8 litres of IMFL is stated to have been recovered.

It is submitted by learned counsel for the petitioner that no recovery as alleged has taken place either from the person or house of the petitioner. Even otherwise the house from which the recovery is stated to have taken place is a joint family house and does not exclusively belong to this petitioner. No independent witness has supported the case. The petitioner was not arrested at the spot. He surrendered on 24.12.2019 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.



Having heard learned counsel for the parties and taking into consideration the fact that the petitioner was not arrested at the spot, he has no criminal antecedent and is in custody since 24.12.2019, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Rajpur P.S. Case no. 130 of 2019, CIS Excise 609 of 2019, Excise GR-535 of 2019 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum- Special Judge (Excise), Buxar.

(Partha Sarthy, J)

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