

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10242 of 2020

Arising Out of PS. Case No.-163 Year-2019 Thana- GOVINDPUR District- Nawada

PAPPU CHAUDHARY Son of Bhulo Chaudhary Resident of Village -
Madhopur, Govindpur, P.S.- Govindpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2020 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018.

The prosecution case as per the self statement of SI Satish Kumar of Govindpur Police Station recorded on 2.9.2019 at 2.30 P.M. in village Madhopur Tikwa mountain is to the effect that on the same day at 9.00 A.M., the informant received an information that several persons including the petitioner are indulged in manufacturing of liquor. Consequently, a raid was laid and from the place of seizure, huge quantity of country made Mahua liquor was recovered. It is alleged that in the Tikwa mountain forest, four persons including the petitioner



were indulged in sale of liquor and the accused persons escaped from the scene but 35 litres Mahua liquor was recovered.

It is submitted by learned counsel for the petitioner that the the recovery has not been made from the conscious physical possession of the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that co-accused persons have been granted bail vide order dated 16.2.2020 passed in Cr. Misc. No. 80919 of 2019 by a Co-ordinate Bench of this Court.

Learned APP submits that on secret information, the petitioner and others were found indulged in manufacturing liquor.

Considering the fact that the recovery does not appear to have been made from the conscious physical possession of the petitioner and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ II-cum-Special Judge, Excise, Nawada in connection with Govindpur



P.S. Case No.163 of 2019 subject to the conditions laid down in
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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