

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9904 of 2020

Arising Out of PS. Case No.-439 Year-2019 Thana- GOVT. OFFICIAL COMPLAINT CASE
District- Sheikhpura

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SHIVDANI CHAUDHARY @ SHIVDANI CHAUDHARI Son of Munshi
Chaudhary Resident of Village - Chatiyara, P.S.- Karendey and District-
Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

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

The prosecution case as per the prosecution report of S.I. of Excise Department, is to the effect that he received a secret information that one Shivdani Chaudhary (petitioner) is selling liquor in the western side of his village. Consequently, a raid was laid when from the possession of



Ravindra Chaudhary, 3 litres country made liquor and from the possession of co-accused Doman Saw, 8.5 litres of country made liquor were recovered. It is further alleged that co-accused Ravindra Chaudhary disclosed that he had come to take liquor from the petitioner who manufactures the same.

It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner and only on the basis of the statement of co-accused from whom recovery of liquor is alleged to have been made, the petitioner has been roped in the present case.

Learned APP submits that the petitioner's name sprang up on the statement of co-accused from whom recovery of liquor has been made.

Considering the fact that the recovery of liquor has been made from co-accused Ravindra Chaudhary and Doman Saw, 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, Sheikhpura in



connection with Excise Case No. 439 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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