

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9765 of 2020

Arising Out of PS. Case No.-558 Year-2019 Thana- AKBARPUR District- Nawada

NETAJI @ SURESH CHAUDHARY @ SURESH KUMAR CHAUDHARY
Son of Prayaj Chaudhary Resident of Village-Sanokhara, (Gondapur), P.S.-
Nawada Town, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

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 written report of Surendra Chaudhary submitted before the S.H.O., Akbarpur Police Station is to the effect that on 17.12.2019 at 1.00 P.M., secret information was received that on the embankment of the river, someone is indulged in the trade of illicit liquor. Consequently, a raid was laid when one seeing the police, few people tried to flee away, but on chase, one person was apprehended, who disclosed his name as Kamlesh Chaudhary.



From the embankment of the river, 50 litres of country made liquor was recovered. On the disclosure of the apprehended co-accused, 500 litres of fermented mahua were recovered and destroyed. The apprehended co-accused disclosed the name of other co-accused persons along with the petitioner, as the person who are indulged in manufacturing of illicit liquor.

It is submitted by learned counsel for the petitioner that admittedly, the said recovery has been made from an open area, hence, it cannot be treated to be made from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the apprehended co-accused named the petitioner along with the other co-accused, as the persons indulged in the trade of illicit liquor.

Considering the recovery being made from the embankment of the river which is an open area, the petitioner was not apprehended from the place of seizure coupled with statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the



event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 Akbarpur P.S. Case No.558 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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