

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13778 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- SHYAMPUR BHATHA District- Sheohar

Vijay Chaudhary, aged about 37 years, Gender Male, Son of Shivnath Chaudhary Resident of Village - Nayagaon Purvi, P.S. - Shyampur Bhatahan, District – Sheohar. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Opposite Party/s : Ms. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 09-07-2020 Heard learned counsel for the petitioner as well as learned A.P.P.

On getting confidential information regarding sale of toddy by the petitioner, raid was conducted at the hut having been erected at the bank of a pond where two persons were found inebriated condition indulged in tumult, whereupon they both were apprehended, who disclosed their identity as Sarvesh Rai and Munna Yadav and further pointed out Vijay Chaudhary to be owner of the hut. On search, 70 litres of spurious toddy has been seized therefrom.

Learned counsel for the petitioner has submitted that how a person having under influence of alcohol will be in a position to properly answer when they have lost their control. The another circumstance, as is visualizing no articles, utensils to be used for drinking was found and the third one, none of the members of the neighbourhood has been examined in order to ascertain



ownership of the aforesaid hut, more particularly in the background of the fact that it was over the Government land. On the other hand, the most surprising feature is only the police officials are the witnesses.

Learned A.P.P. opposed the prayer and submitted that the evidence of the police official should not be brushed aside on flimsy grounds. However, fairly submitted that from perusal of the P.O. (para-15), it is evident that the houses of so many persons lie adjacent to the alleged P.O., who have not been examined.

Regard being had to the facts and circumstances of the case, let the petitioner Vijay Chaudhary, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge cum Special Judge-I, Excise, Sheohar in Shyampur Bhatahan P.S. Case No. 18/2020, subject to the conditions as laid down under section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J)

Surendra/-

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