

THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18748 of 2020

Jawahir Chaudhary @ Jawahar Chaudhary, aged about 32 years, male, Son of Parmeshwar Chaudhary, resident of village- Jandhaul, P.S.- Sirdala, District- Nawada

..... Petitioner

Versus

The State of Bihar Opposite party

Appearance

For the Petitioner : Mr. Krishna Deo Raj, Adv.

For the State : Md Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 17.07.2020 Heard learned counsel for the petitioner and learned A.P.P for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Sirdala P.S. Case No. 499 of 2019 registered under sections 30(a) and 30(2) of the of Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R, on receiving confidential information, a raid was conducted and it is stated that 5 litres of Mahua liquor and 500 litres of fermented Mahua was recovered from the village by the side of the river. It is further submitted that three persons including the petitioner as also one Chhotu Choudhary managed to escape.

It is submitted by learned counsel for the petitioner that



no incriminating article has been recovered from the possession of the petitioner. It is further submitted that the place of seizure as stated in the seizure list is stated to be village Jandhaul under police station Sirdala. It cannot be said to be a place belonging to or under the exclusive control of this petitioner. The petitioner has no criminal antecedent and his case stands on a similar footing to that of co-accused Chhotu Choudhary who has been enlarged on bail vide order dated 8.7.2020 passed in Cr. Misc. no. 20236 of 2020.

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

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the grant of bail to the co-accused, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Sirdala P.S. Case No.499 of 2019, he will be enlarged on bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. II-cum-Special Court, Nawada, subject to the conditions as laid down in section 438 (2) of the Criminal Procedure Code.

(Partha Sarthy, J)

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