

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18115 of 2020

Arising Out of PS. Case No.-51 Year-2020 Thana- KOILWAR District- Bhojpur

NIRMAL RAI S/o Bhulan Yadav Resident of Village- Pachaina, P.S.-
Koilwar, Distt- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-05-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Koilwar P.S. Case No. 51 of 2020 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

It is the case of the prosecution that the petitioner
and another co-accused Vijay Kumar were carrying huge
quantity of country made liquor. On chase, both of them were
apprehended. From the petitioner's possession 95 liters of
country made liquor was allegedly recovered, whereas from the
possession of the co-accused Vijay Kumar 55 liters of country
made liquor was recovered.

Learned counsel for the petitioner has submitted
that the motorcycle, which has been seized and from which



country made liquor is said to have been recovered, is not registered in the name of the petitioner and, therefore, it cannot be said that the recovery was made from his conscious possession.

I do not find any substance in the said submission made on behalf of the petitioner that because the motorcycle was not registered in his name, the recovery cannot be said to have been made from his possession. It is the specific case of the prosecution that the petitioner and the other co-accused were riding in motorcycle and on chase they were arrested and from their possession, huge quantity of country made liquor was recovered.

Considering the quantity of liquor seized, this application is rejected.

The petitioner shall be at liberty to renew his prayer for bail after six months from today.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.



(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) The said order shall be communicated to the Court below for the needful by the Registry through e-mail.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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