

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18715 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- Laheri Muhalla District- Nalanda

1. RAVI CHAUDHARY Son of Late Kameshwar Chaudhary Resident of Village - Kisanbag, Meharpar, P.S.- Laheri, District- Nalanda
2. Bablu Kumar Son of Mahendra Choudhary Resident of Village - Kisanbag, Meharpar, P.S.- Laheri, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-05-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioners seek regular bail in connection with Laheri Police Station Case No. 95 of 2020, registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners, on the basis of the written report submitted by the ASI, Laheri Police Station, is that on 01.03.2020, in the evening while he was on patrolling duty, he got secret information that the petitioners were involved in selling of illicit liquor, which they have kept in their house.



Thereafter, the police proceeded towards the house of the petitioners and arrested them and upon query, they stated that Billa @ Rohit and Chhotu Kumar used to keep liquor in their house for the purpose of selling it. The police recovered 140.580 litres of illicit liquor from the joint house of the petitioners.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as from perusal of the seizure list, it would be evident that the signatures of the petitioners are not appearing on the seizure list; whereas, according to the First Information Report, the petitioners were arrested by the police at the time of search and seizure itself. He further submits that copy of the seizure list was also not made available to the petitioners. From perusal of the First Information Report, it would be evident that other co-accused Billa @ Rohit and Chhotu Kumar used to keep the illicit liquor in the joint house of the petitioners. He next submits that the petitioners have got no criminal antecedent and the petitioner no. 2 is a student, studying in B.A. Part II in Nalanda Research Institute.

Learned Additional Public Prosecutor submits that from the seizure list, it appears that the illicit liquor has been recovered from the joint house of the petitioners.



After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has been recovered from the joint house of the petitioners and the petitioner no. 2 is a student, studying in B.A. Part II, and the petitioners are in custody since 02.03.2020, having no criminal antecedent, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge -cum- Special Judge (Excise), Nalanda, at Biharsharif, in connection with Laheri Police Station Case No. 95 of 2020.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.

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