

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25541 of 2020

Arising Out of PS. Case No.-160 Year-2019 Thana- LODIPUR District- Bhagalpur

SHASHI SHANKAR AWASTHY @ GHOLTAN Son of Shiv Prakash
Awasthy Resident of Village - Samaraspur Kohra, P.S.- Lodipur, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-10-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Lodipur P.S. case No. 160/2019 registered under Section u/s 30(a)/ 37 (c) of the Bihar Prohibition & Excise Act.

The informant alleged that he raided the flour mill premises of the petitioner and arrested Hari Shanker Awasthi, Mukesh Kumar, son of Ashok, and Mukesh Kumar, son of Dhaneshwar Yadav. From the apprehended accused one bottle each containing illicit liquor was recovered from their possession. Some empty bottles were also recovered from the same premises.

The learned counsel for the petitioner submits that petitioner is, of course, owner of the flour mill but the flour mill is situated in the orchard far from the village. Three persons found inside the premises and they were taking wine. Nothing



has been recovered from the possession of the petitioner and at that time of raid the petitioner was residing in his house. The petitioner is made accused only because he happens to be owner of the flour mill.

Taking into consideration the facts that at the time of raid the petitioner was not present in the flour mill premises and three persons each having a bottle of liquor were apprehended but it appears that petitioner is made accused only because he is owner of the flour mill, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Bhagalpur in connection with Lodipur P.S. case No. 160/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

