

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81039 of 2019

Arising Out of PS. Case No.-136 Year-2019 Thana- ARIYARI District- Sheikhpura

1. Sunil Chaudhary Son of Late Lakhan Chaudhary, Resident of Village - Baikatpur, P.S.- Ariyari, Distt.- Shekhpura.
2. Rajesh Chaudhary Son of Late Baldev Chaudhary @ Baleshwar Chaudhary, Resident of Village - Baikatpur, P.S.- Ariyari, Distt.- Shekhpura.
3. Gorelal Chaudhary Son of Kishun Chaudhary @ Baleshwar Chaudhary, Resident of Village - Baikatpur, P.S.- Ariyari, Distt.- Shekhpura.
4. Jairam Chaudhary Son of Late Fagu Chaudhary, Resident of Village - Baikatpur, P.S.- Ariyari, Distt.- Shekhpura.
5. Jamahir Chaudhary @ Jawahir Chaudhary Son of Khaderu Chaudhary @ Khedaran Chaudhary, Resident of Village - Baikatpur, P.S.- Ariyari, Distt.- Shekhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh

For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-01-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Ariyari P.S. Case No. 136 of 2019 for the offences punishable under Sections 272/ 273 of the Indian Penal Code and Sections 30(a)/ 30(D) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of various quantities of illicit liquor as also the instruments used in manufacturing of illicit liquor from the accused persons



including the petitioners herein.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they are having a clean antecedent and no recovery has been made from their possession, hence, no offence is made out under the provisions of the Bihar Prohibition and Excise Act 2016.

I have heard the learned counsel for the petitioners and I find that though, it is true that the seizure list does not show any recovery of illicit liquor or the instruments used for the purposes of manufacturing illicit liquor from the petitioners in particular, however, the contents of the fardbeyan show that recovery of illicit liquor has been made from the house of all the accused persons, thus this Court is of the opinion that the present petition is not maintainable in view of the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to surrender before the learned court of Additional Sessions Judge-II-cum- Special Judge, Excise, Shekhpura in connection with Ariyari P.S. Case No. 136 of 2019, whereupon the learned court below shall consider the case of the petitioners for grant of regular bail on the very same day of the filing of the same and



pass appropriate orders considering the fact that a bare perusal of the seizure list would show that neither any illicit liquor nor any instrument used for the purposes of manufacturing the illicit liquor has been recovered from the petitioners herein.

With the aforesaid observations and directions to the learned court below, the present petition stands disposed of.

(Mohit Kumar Shah, J)

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