

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75762 of 2019**

Arising Out of P.S. Case No.-309 Year-2019 Thana- Kudra District- Kaimur (Bhabhua)

Arvind Singh @ Tiwari Singh @ Tiwari son of late Rajendra Singh, Resident of Village- Nalband Muhalla, Jehanabad, P.S. Kudra, District- Kaimur at Bhabhua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Praveen Kumar, Advocate

For the Opposite Party : Mr. Mritunjay Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

3 12-05-2020 Heard learned counsel for the petitioner and learned counsel for the State via video conferencing.

The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Kudra P.S. Case No. 309 of 2019 dated 03.10.2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 136 pouches of countrymade liquor each containing 200 ml were recovered from cowshed of the petitioner's house.

Consumption, manufacture, storage, trade



transportation and sale of liquor are prohibited under the Bihar Prohibition and Excise Act, 2016.

It is submitted by the learned counsel for the petitioner that the recovery of about 27 litres of country made liquor from the cowshed would not be sufficient to prove culpability of the petitioner in the instant case. According to him, the cowshed is in joint possession of several family members. It is not the case of the prosecution that the recoveries were made from the exclusive and conscious possession of the petitioner. It is further contended that there is no independent witness to the seizure list prepared by the police and that itself is sufficient to prove false implication of the petitioner in the instant case.

On the other hand, learned counsel for the State submitted that the petitioner is a habitual offender. It is the third case of identical nature in which he has been made accused. According to him, since none of the co-villagers became ready to be witness to the seizure list, the seizure list was prepared by the police which was witnessed by two home guards, who were members of the raiding party namely, Satyanarayan Singh and Shole Kumar Singh.

Be that as it may, considering the facts and



circumstances of the case as also that the petitioner is in custody for last seven months, he is directed to be released on bail on furnishing bail bond of Rs.5000/- (five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Kaimur at Bhabhua in connection with Kudra P.S. Case No. 309 of 2019.

(Ashwani Kumar Singh, J)

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