

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6632 of 2020

Arising Out of PS. Case No.-538 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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BIRENDRA CHOUDHARY @ VIRENDRA CHOUDHARY S/o Late
Ramswarup Choudhary Resident of Village- Alipur, P.S.- Buniyadganj,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Rajesh Kumar,APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 28-05-2020 Heard learned counsel for the parties

This application for regular bail arises out of Excise
Case No. 538 of 2019, disclosing offence punishable under
Section 30(c) of the Bihar Prohibition and Excise(Amendment)
Act, 2018.

Case has been registered on the basis of complaint
filed by the Excise Sub-Inspector, Mufassil Circle, Gaya.
Allegedly, 600 kilogram of *java Mahua* for preparing wine was
recovered by the excise officials from near a *bandh adjacent* to
Falgu river.

Learned counsel for the petitioner has submitted that
as per the case of the prosecution itself, no one was found at the



place of occurrence. The place from where the recovery was allegedly made does not belong to the petitioner. By no stretch of imagination, it can be said that the recovery was made from the conscious possession of the petitioner except for the fact that raid was conducted on an information received by the Excise Sub-Inspector to the effect that the petitioner was involved in storage of java Mahua, there is no material against him, he has submitted.

I find force in the submission made on behalf of the petitioner. This application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Gaya in Excise case No. 538 of 2019.

(Chakradhari Sharan Singh, J)

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