IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28863 of 2021

Arising Out of PS. Case No.-299 Year-2020 Thana- NARHATT District- Nawada

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HEERA CHOUDHARY Son of Mahabir Choudhary @ Parmeshwar Choudhary Resident of Village - Jandhoul, P.S. - Sirdalla, District - Nawada.

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Man Mohan Kumar
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-08-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner seeks bail in Narhat (Sitamarhi) P.S. Case No. 299 of 2020, registered for the offence punishable punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

50 litres of Mahua liquor has been recovered from motorcycle of the petitioner.

It is submitted that no recovery has been made from conscious possession of this petitioner. Though petitioner is accused in 07 more cases, but he is on bail in most of the cases and he is in custody since 30.12.2020.

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Counsel for the State vehemently opposed the bail application and submitted that petitioner has got criminal antecedent and all the cases are of Excise Act.

Considering the facts aforesaid and the fact that petitioner has got criminal antecedent and all the cases are of Excise Act, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that petitioner will cooperate in disposal of trial and appear before the court, as and when required.

(Prabhat Kumar Singh, J)

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