

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37941 of 2020

Arising Out of PS. Case No.-319 Year-2020 Thana- TURKAULIYA District- East
Champaran

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SHABUDDIN DEWAN Son of Salim Dewan R/o Village- Jhakhiya, P.S.-
Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-07-2021 Heard both sides.

The petitioner apprehends his arrest in Turkawaliya
(Banjariya) P.S. Case No.319 of 2020 registered under Sections
272, 273 and 34 of the Indian Penal Code and under Section
30(a) of Bihar Prohibition and Excise Act.

The informant alleged that he got information that
huge quantity of liquor is stored in the house of Shashi Sahni
and Yogendra Sahni. On such information, a raid was conducted
and more than 1089 liters liquor was recovered. Shashi Sahni
disclosed that his co-villagers Ashok Choudhary @ Ashok
Mahto and Shabuddin Dewan(the petitioner) used to bring the
liquor from outside and stored in his house.

The learned counsel for the petitioner submits that



there is no evidence to this effect that the petitioner brought the liquor from outside and stored in the house of Shashi Sahni. On mere suspicion and on corroborated evidence of the accused Shashi Sahni, from whose house huge quantity of liquor was recovered, the petitioner has been made accused. On the similar facts, petitioner has been made accused in other cases.

Taking into consideration the facts that nothing has been recovered from the possession of the petitioner and on the statement of Shashi Sahni from whose house huge quantity of liquor was recovered, the petitioner is made accused in the case, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks 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 7th A.D.J.-cum-Special Judge, Excise, East Champaran at Motihari in connection with Turkawaliya (Banjariya) P.S. Case No.319 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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