

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34078 of 2020

Arising Out of PS. Case No.-55 Year-2020 Thana- MAHUA District- Vaishali

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AVINASH KUMAR@ BHUKHLU Son of Shiv Chandra Singh Resident of
Village - Bali Bathana (Madhaul), P.S.- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr. Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-03-2021 Heard both sides.

The petitioner apprehends his arrest in Mahua P.S.
case No. 55/2020 registered u/s 30(a), 32(ii), 34(ii), 38(ii), 41(i)
of the Bihar Prohibition & Excise Act.

The informant after having received information that
Nawlesh Singh and Avinash Kumar @ Bhukhlu, the petitioner,
were bringing a consignment of liquor on a car and the car was
to be parked near the house of Nawlesh Singh the informant
went there but two persons managed to flee away. The
Chowkidar is said to have identified Nawlesh Singh and the
petitioner. From the car 435 liters of liquor was recovered.

The learned counsel for the petitioner submits that
petitioner is neither owner of the car nor anything has been
recovered from his possession. The petitioner has got no



criminal antecedent. The car was parked in front of the house of Nawlesh Singh and there is no other material save and except the fact that Chowkidar is said to have identified the petitioner.

Taking into consideration the facts aforesaid and the fact that nothing has been recovered from the possession of the petitioner and the car was found parked in front of the house of Nawlesh Singh from which 435 liters of liquor was recovered, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Vaishali at Hajipur in connection with Mahua P.S. case No. 55/2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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